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THE
LEAGUE OF NATIONS

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Old Colony Trust Company
17 Court Street
52 Temple Place 222 Boylston Street
Boston, Massachusetts

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FOREWORD

EVERY person in the world capable of rational thought wishes and hopes not only for immediate peace, but that, so far as human agencies can make it, war shall be made impossible in the future. It is inevitable that thinking men, although inspired by the same high motives, shall differ as to the means to secure permanent peace and equity between nations. Written instruments will not alter human nature, nor can the passions of men in the last recourse be controlled by signed pledges, but that treaties between honorable nations consistent with their normal life and progress are enduring, has been proven.

We believe that President Wilson, Mr. Taft, Senator Lodge, and Senator Knox, whose recent speeches we have reprinted here, have one thought in common, and that is their wish to see the present negotiations in Paris result in a permanent equitable peace for all peoples.

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TEXT OF COVENANT ON LEAGUE OF NATIONS
READ BY PRESIDENT WILSON AT PLENARY
SESSION OF THE PEACE CONFERENCE AT
PARIS, FEBRUARY 14, 1919.

COVENANT

PREAMBLE

IN order to promote international coöperation and to secure international peace and security by the acceptance of obligations not to resort to war, by the prescription of open, just and honorable relations between nations, by the firm establishment of the understandings of international law as the actual rule of conduct among Governments, and by the maintenance of justice and a scrupulous respect for all treaty obligations in the dealings of organized peoples with one another, the powers signatory to this covenant adopt this constitution of the League of Nations.

ARTICLE ONE

The action of the high contracting parties under the terms of this covenant shall be effected through the instrumentality of meeting of a body of delegates representing the high contracting parties, of meeting at more frequent intervals of an Executive Council, and of a permanent international secretariat to be established at the seat of the League.

ARTICLE TWO

Meetings of the body of delegates shall be held at stated intervals and from time to time as occasion may require for the purpose of dealing with matters within the sphere of action of the League. Meetings of the body of delegates

shall be held at the seat of the League or at such other place as may be found convenient and shall consist of representatives of the high contracting parties. Each of the high contracting parties shall have one vote but may not have more than three representatives.

ARTICLE THREE

The Executive Council shall consist of representatives of the United States of America, the British Empire, France, Italy, and Japan, together with representatives of four other States, members of the League. The selection of these four States shall be made by the body of delegates on such principles and in such manner as they think fit. Pending the appointment of these representatives of the other States, representatives of — shall be members of the Executive Council.

Meetings of the council shall be held from time to time as occasion may require and at least once a year at whatever place may be decided upon, or failing any such decision, at the seat of the League, and any matter within the sphere of action of the League or affecting the peace of the world may be dealt with at such meetings.

Invitations shall be sent to any power to attend a meeting of the council at which matters directly affecting its interests are to be discussed and no decision taken at any meeting will be binding on such powers unless so invited.

ARTICLE FOUR

All matter of procedure at meetings of the body of delegates or the Executive Council, including the appointment of the committees to investigate particular matters, shall be regulated by the body of delegates or the Executive Council, and may be decided by a majority of the States represented at the meeting.

The first meeting of the body of delegates and of the Executive Council shall be summoned by the President of the United States of America.

ARTICLE FIVE

The permanent secretariat of the League shall be established at —, which shall constitute the seat of the League.

The secretariat shall comprise such secretaries and staff as may be required, under the general direction and control of a secretary general of the League, who shall be chosen by the Executive Council; the secretariat shall be appointed by the secretary general, subject to confirmation by the Executive Council.

The secretary general shall act in that capacity at all meetings of the body of delegates or of the Executive Council.

The expenses of the secretariat shall be borne by the States members of the League in accordance with appointment of the expenses of the International Bureau of the Universal Postal Union.

ARTICLE SIX

Representatives of the high contracting parties and officials of the league when engaged on the business of the League shall enjoy diplomatic privileges and immunities, and the buildings occupied by the League or its officials or by representatives attending its meetings shall enjoy the benefits of extraterritoriality.

ARTICLE SEVEN

Admission to the League of States not signatories to the covenant and not named in the protocol hereto as States to be invited to adhere to the covenant requires the assent of the not less than two-thirds of the States represented in the body of delegates, and shall be limited to fully self-governing countries, including dominions and colonies.

No State shall be admitted to the League unless it is able to give effective guarantees of its sincere intention to observe its international obligations, and unless it shall conform to such principles as may be prescribed by the League in regard to its naval and military forces and armaments.

ARTICLE EIGHT

The high contracting parties recognize the principle that the maintenance of peace will require the reduction of national armaments to the lowest point consistent with national safety and the enforcement by common action of international obligations, having special regard to the geo-

graphical situation and circumstances of each State; and the Executive Council shall formulate plans for effecting such reduction. The Executive Council shall also determine for the consideration and action of the several Governments what military equipment and armament is fair and reasonable in proportion to the scale of forces laid down in the program of disarmament, and these limits, when adopted, shall not be exceeded without the permission of the Executive Council.

The high contracting parties agree that the manufacture by private enterprise of munitions and implements of war lends itself to grave objections, and direct the Executive Council to advise how the evil effects attendant upon such manufacture can be prevented, due regard being had to the necessities of these countries which are not able to manufacture for themselves the munitions and implements of war necessary for their safety.

The high contracting parties undertake in no way to conceal from each other the condition of such of their industries as are capable of being adapted to warlike purposes or the scale of their armaments, and agree that there shall be full and frank interchange of information as to their military and naval programs.

ARTICLE NINE

A permanent commission shall be constituted to advise the League on the execution of the provisions of Article 8 on military and naval questions generally.

ARTICLE TEN

The high contracting parties undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all States members of the League. In case of any such aggression, or in case of any threat or danger of such aggression, the Executive Council shall advise upon the means by which the obligation shall be fulfilled.

ARTICLE ELEVEN

Any war or threat of war, whether immediately affecting any of the high contracting parties or not, is hereby de-

clared a matter of concern to the League, and the high contracting parties reserve the right to take any action that may be deemed wise and effectual to safeguard the peace of nations.

It is hereby also declared and agreed to be the friendly right of each of the high contracting parties to draw the attention of the body of delegates or of the Executive Council to any circumstances affecting international intercourse which threaten to disturb international peace or the good understanding between nations upon which peace depends.

ARTICLE TWELVE

The high contracting parties agree that should disputes arise between them which cannot be adjusted by the ordinary processes of diplomacy they will in no case resort to war without previously submitting the question and matters involved either to arbitration or to inquiry by the Executive Council and until three months after the award by the arbitrators or a recommendation by the Executive Council; and that they will not even then resort to war as against a member of the League which complies with the award of the arbitrators or the recommendation of the Executive Council.

In any case under this article, the award of the arbitrators shall be made within a reasonable time, and the recommendation of the Executive Council shall be made within six months after the submission of the dispute.

ARTICLE THIRTEEN

The high contracting parties agree that whenever any dispute or difficulty shall arise between them which they recognize to be suitable for submission to arbitration and which cannot be satisfactorily settled by diplomacy, they will submit the whole matter to arbitration. For this purpose the court of arbitration to which the case is referred shall be the court agreed upon by the parties or stipulated in any convention existing between them. The high contracting parties agree that they will carry out in full good faith any award that may be rendered. In the event of any failure to carry out the award, the Executive Council shall propose what steps can best be taken to give effect thereto.

ARTICLE FOURTEEN

The Executive Council shall formulate plans for the establishment of a permanent court of international justice and this court shall, when established, be competent to hear and determine any matter which the parties recognize as suitable for submission to it for arbitration under the foregoing article.

ARTICLE FIFTEEN

If there should arise between States, members of the League, any dispute likely to lead to rupture, which is not submitted to arbitration as above, the high contracting parties agree that they will refer the matter to the Executive Council; either party to the dispute may give notice of the existence of the dispute to the secretary-general, who will make all necessary arrangements for a full investigation and consideration thereof. For this purpose the parties agree to communicate to the secretary-general, as promptly as possible, statements of their case with all the relevant facts and papers, and the Executive Council may forthwith direct the publication thereof.

Where the efforts of the council lead to the settlement of the dispute, a statement shall be published indicating the nature of the dispute and the terms of settlement, together with such explanations as may be appropriate. If the dispatch has not been settled, a report by the council shall be published, setting forth with all necessary facts and explanations the recommendation which the council thinks just and proper for the settlement of the dispute. If the report is unanimously agreed to by the members of the council other than the parties to the dispute, the high contracting parties agree that they will not go to war with any party which complies with the recommendations and that if any party shall refuse so to comply, the council shall propose measures necessary to give effect to the reason. If no such unanimous report can be made, it shall be the duty of the majority and the privilege of the minority to issue statements indicating what they believe to be the facts and containing the reasons which they consider to be just and proper.

The Executive Council may in any case under this article refer the dispute to the body of delegates. The dispute shall

be so referred at the request of either party to the dispute, provided that such request must be made within 14 days after the submission of the dispute. In any case referred to the body of delegates all the provisions of this article and of Article 12 relating to the action of the Executive Council shall apply to the action and powers of the body of delegates.

ARTICLE SIXTEEN

Should any of the high contracting parties break or disregard its covenants under Article 12 it shall thereby ipso facto be deemed to have committed an act of war against all the other members of the League, which hereby undertake immediately to subject it to the severance of all trade or financial relations, the prohibition of all intercourse between their nationals and the nationals of the covenant-breaking State, and the prevention of all financial, commercial, or personal intercourse between the nationals of the covenant-breaking State and the nationals of any other State, whether a member of the League or not.

It shall be the duty of the Executive Council in such cases to recommend what effective military or naval forces the members of the League shall severally contribute to the armed forces to be used to protect the covenants of the League.

The high contracting parties agree further that they will mutually support one another in the financial and economic measures which may be taken under this article, in order to minimize the loss and inconvenience resulting from the above measures, and that they will mutually support one another in resisting any special measures aimed at one of their number by the covenant-breaking State, and that they will afford passage through their territory to the forces of any of the high contracting parties who are coöperating to protect the covenants of the League.

ARTICLE SEVENTEEN

In the event of disputes between one State member of the League and another State which is not a member of the League, or between States not members of the League, the high contracting parties agree that the State or States not members of the League shall be invited to accept the obliga-

tions of membership in the League for the purposes of such dispute, upon such conditions as the Executive Council may deem just, and upon acceptance of any such invitation, the above provisions shall be applied with such modifications as may be deemed necessary by the League.

Upon such invitation being given the Executive Council shall immediately institute an inquiry into the circumstances and merits of the dispute and recommend such action as may seem best and most effectual in the circumstances.

In the event of a power so invited refusing to accept the obligations of membership in the League for the purposes of such dispute, and taking any action against a State member of the League which in the case of a State member of the League would constitute a breach of Article 12, the provisions of Article 16 shall be applicable as against the State taking such action.

If both parties to the dispute when so invited refuse to accept the obligations of membership in the League for the purposes of such dispute, the Executive Council may take such action and make such recommendations as will prevent hostilities and will result in the settlement of the dispute.

ARTICLE EIGHTEEN

The high contracting parties agree that the League shall be intrusted with general supervision of the trade in arms and ammunitions with the countries in which the control of this traffic is necessary in the common interest.

ARTICLE NINETEEN

To those colonies and territories which as a consequence of the war have ceased to be under the sovereignty of the States which formerly governed them and which are inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world, there should be applied the principle that the well-being and development of such peoples form a sacred trust of civilization and that securities for the performance of this trust should be embodied in the constitution of the League.

The best method of giving practical effect of this principle is that the tutelage of such people should be intrusted to advanced nations who by reason of their resources, their

experience or their geographical position, can best undertake this responsibility and that this tutelage should be exercised by them as mandatories on behalf of the League.

The character of the mandate must differ according to the stage of the development of the people, the geographical situation of the territory, its economic conditions, and other similar circumstances.

Certain communities formerly belonging to the Turkish Empire have reached a stage of development where their existence as independent nations can be provisionally recognized, subject to the rendering of administrative advice and assistance by a mandatory power, until such time as they are able to stand alone. The wishes of these communities must be a principal consideration in the selection of the mandatory power.

Other peoples, especially those of central Africa, are at such a stage that the mandatory must be responsible for the administration of the territory, subject to conditions which will guarantee freedom of conscience or religion, subject only to the maintenance of public order and morals, the prohibition of abuses, such as the slave trade, the arms traffic, and the liquor traffic, and the prevention of the establishment of fortifications or military and naval bases, and of military training of the natives for other than police purposes and the defense of territory, and will also secure equal opportunities for the trade and commerce of other members of the League.

There are territories, such as southwest Africa and certain of the South Pacific isles, which, owing to the sparseness of their population, or their small size, or their remoteness from the centers of civilization, or their geographical continuity to the mandatory state, and other circumstances, can be best administered under the laws of the mandatory state as integral portions thereof, subject to the safeguards above mentioned in the interests of indigenous population.

In every case of mandate, the mandatory state shall render to the League an annual report in reference to the territory committed to its charge.

The degree of authority, control, or administration to be exercised by the mandatory state shall, if not previously agreed upon by the high contracting parties in each case, be

explicitly defined by the Executive Council in a special act or charter.

The high contracting parties further agree to establish at the seat of the League a mandatory commission to receive and examine the annual reports of the mandatory powers, and to assist the League in insuring the observance of the terms of all mandates.

ARTICLE TWENTY

The high contracting parties will endeavor to secure and maintain fair and humane conditions of labor for men, women, and children, both in their own countries and in all countries to which their commercial and industrial relations extended; and to that end agree to establish as part of the organization of the League a permanent Bureau of Labor.

ARTICLE TWENTY-ONE

The high contracting parties agree that provision shall be made through the instrumentality of the League to secure and maintain freedom of transit and equitable treatment for the commerce of all states members of the League, having in mind, among other things, special arrangements with regard to the necessities of the regions devastated during the war of 1914-18.

ARTICLE TWENTY-TWO

The high contracting parties agree to place under the control of the League all international bureaus already established by general treaties if the parties to such treaties consent. Furthermore, they agree that all such international bureaus to be constituted in future shall be placed under the control of the League.

ARTICLE TWENTY-THREE

The high contracting parties agree that every treaty or international engagement entered into hereafter by any State member of the League, shall be forthwith registered with the secretary-general and as soon as possible published by him, and that no such treaty or international engagement shall be binding until so registered.

ARTICLE TWENTY-FOUR

It shall be the right of the body of delegates from time to time to advise the reconsideration by State members of the League of treaties which have become inapplicable, and of international conditions, of which the continuance may endanger the peace of the world.

ARTICLE TWENTY-FIVE

The high contracting parties severally agree that the present covenant is accepted as abrogating all obligations *inter se* which are inconsistent with the terms thereof, and solemnly engage that they will not hereafter enter into any engagements inconsistent with the terms thereof. In case any of the powers signatories hereto or subsequently admitted to the League shall before becoming a party to this covenant, have undertaken any obligations which are inconsistent with the terms of this covenant, it shall be the duty of such power to take immediate steps to procure its release from such obligations.

ARTICLE TWENTY-SIX

Amendments to this covenant will take effect when ratified by the States whose representatives compose the Executive Council and by three-fourths of the States whose representatives compose the body of delegates.

SPEECH OF HENRY CABOT LODGE

SENATOR FROM MASSACHUSETTS
IN THE SENATE, FEBRUARY 28, 1919

ALL PEOPLE, men and women alike, who are capable of connected thought, abhor war and desire nothing so much as to make secure the future peace of the world. Everybody hates war. Everyone longs to make it impossible. We ought to lay aside once and for all the unfounded and really evil suggestion that because men may differ as to the best method of assuring the world's peace in the future, anyone is against permanent peace, if it can be obtained among all the nations of mankind. Because one man goes to the Capitol in Washington by one street and another man by a different street it does not follow that they are not both going to the Capitol. We all earnestly desire to advance toward the preservation of the world's peace and difference in method makes no distinction in purpose. It is almost needless to say that the question now before us is so momentous that it transcends all party lines. Party considerations and party interests disappear in dealing with such a question as this. I will follow any man and vote for any measure which in my honest opinion will make for the maintenance of the world's peace. I will follow no man and vote for no measures which, however well intended, seem in my best judgment to lead to dissensions rather than to harmony among the nations or to injury, peril, or injustice to my country.

No question has ever confronted the United States Senate which equals in importance that which is involved in the League of Nations intended to secure the future peace of the world. There should be no undue haste in considering it. My one desire is that not only the Senate, which is charged with responsibility, but that the press and the people of the country should investigate every proposal with the

utmost thoroughness and weigh them all carefully before they make up their minds. If there is any proposition or any plan which will not bear, which will not court, the most thorough and most public discussion, that makes it an object of suspicion at the very outset. Beware of it; be on your guard against it. Demand that those who oppose the plan now offered present arguments and reasons, based on facts and history, and that those who favor it meet objections with something more relative than rhetoric, personal denunciation, and shrill shrieks that virtue is to be preferred to vice and that peace is better than war. Glittering and enticing generalities will not serve. We must have facts, details, and sharp, clear-cut definitions. The American people cannot give too much thought to this subject, and that they shall look into it with considerate eyes is all that I desire.

In the first place, the terms of the league—the agreements which we make—must be so plain and so explicit that no man can misunderstand them. We must, so far as it can be done by human ingenuity, have every agreement which we make so stated that it will not give rise to different interpretations and to consequent argument. Misunderstandings as to terms are not a good foundation for a treaty to promote peace. We now have before us the draft of a constitution for a League of Nations, prepared by a commission or committee, which is to be submitted to the representatives of the nations. The nations, through their delegates, have not agreed to it. It has not passed beyond the stage of a committee report. It is open to amendment and change in the peace conference. The Senate can take no action upon it, but it lies open before us for criticism and discussion. What is said in the Senate ought to be placed before the peace conference and published in Paris, so that the foreign Governments may be informed as to the various views expressed here.

In this draft prepared for a constitution of a League of Nations, which is now before the world, there is hardly a clause about the interpretation of which men do not already differ. As it stands there is serious danger that the very nations which sign the constitution of the league will quarrel about the meaning of the various articles before a twelve-month has passed. It seems to have been very hastily

drafted, and the result is crudeness and looseness of expression, unintentional, I hope. There are certainly many doubtful passages and open questions obvious in the articles which cannot be settled by individual inference, but which must be made so clear and so distinct that we may all understand the exact meaning of the instrument to which we are to be asked to set our hands. The language of these articles does not appear to me to have the precision and unmistakable character which a constitution, a treaty, or a law ought to present. The language only too frequently is not the language of laws or statutes. The article concerning mandatories, for example, contains an argument and a statement of existing conditions. Arguments and historical facts have no place in a statute or a treaty. Statutory and legal language must assert and command, not argue and describe. I press this point because there is nothing so vital to the peace of the world as the sanctity of treaties. The suggestion that we can safely sign because we can always violate or abrogate is fatal not only to any league but to peace itself. You cannot found world peace upon the cynical "scrap of paper" doctrine so dear to Germany. To whatever instrument the United States sets its hand it must carry out the provisions of that instrument to the last jot and tittle, fulfil it absolutely both in letter and in spirit. If this is not done the instrument will become a source of controversy instead of agreement, of dissension instead of harmony. This is all the more essential because it is evident, although not expressly stated, that this league is intended to be indissoluble, for there is no provision for its termination or for the withdrawal of any signatory. We are left to infer that any nation, withdrawing from the league exposes itself to penalties and probably to war. Therefore, before we ratify, the terms and the language in which the terms are stated must be as exact and as precise, as free from any possibility of conflicting interpretations, as it is possible to make them. The explanation or interpretation of any of these doubtful passages is not sufficient if made by one man, whether that man be the President of the United States, or a senator, or anyone else. These questions and doubts must be answered and removed by the instrument itself.

What I have just said indicates the vast importance of the form and the manner in which the agreements which we are

to sign shall be stated. I now come to questions of substance, which seem to me to demand the most careful thought of the entire American people, and particularly of those charged with the responsibility of ratification. We abandon entirely by the proposed constitution the policy laid down by Washington in his Farewell Address and the Monroe Doctrine. It is worse than idle, it is not honest, to evade or deny this fact, and every fair-minded supporter of this draft plan for a league admits it. I know that some of the ardent advocates of the plan submitted to us regard any suggestion of the importance of the Washington policy as foolish and irrelevant. Perhaps it is. Perhaps the time has come when the policies of Washington should be abandoned; but if we are to cast them aside I think that at least it should be done respectfully and with a sense of gratitude to the great man who formulated them. For nearly a century and a quarter the policies laid down in the Farewell Address have been followed and adhered to by the Government of the United States and by the American people. I doubt if any purely political declaration has ever been observed by any people for so long a time. The principles of the Farewell Address in regard to our foreign relations have been sustained and acted upon by the American people down to the present moment. Washington declared against permanent alliances. He did not close the door on temporary alliances for particular purposes. Our entry into the great war just closed was entirely in accord with and violated in no respect the policy laid down by Washington. When we went to war with Germany we made no treaties with the nations engaged in the war against the German Government. The President was so careful in this direction that he did not permit himself ever to refer to the nations by whose side we fought as "allies," but always as "nations associated with us in the war." The attitude recommended by Washington was scrupulously maintained even under the pressure of the great conflict. Now, in the twinkling of an eye, while passion and emotion reign, the Washington policy is to be entirely laid aside and we are to enter upon a permanent and indissoluble alliance. That which we refuse to do in war we are to do in peace deliberately, coolly, and with no war exigency. Let us not overlook the profound gravity of this step.

Washington was not only a very great man but he was also a very wise man. He looked far into the future and he never omitted human nature from his calculations. He knew well that human nature had not changed fundamentally since mankind had a history. Moreover, he was destitute of any personal ambitions to a degree never equaled by any other very great man known to us. In all the vital questions with which he dealt it was not merely that he thought of his country first and of himself second. He thought of his country first and never thought of himself at all. He was so great a man that the fact that this country had produced him was enough of itself to justify the Revolution and our existence as a Nation. Do not think that I overstate this in the fondness of patriotism and with the partiality of one of his countrymen. The opinion I have expressed is the opinion of the world. Fifteen years after Washington's death Byron wrote the famous and familiar lines

Where may the wearied eye repose
When gazing on the Great,
Where neither guilty glory glows,
Nor despicable state?
Yes, One—the first—the last—the best—
The Cincinnatus of the West
Whom Envy dared not hate—
Bequeathed the name of Washington,
To make man blush there was but one!

That was the opinion of mankind then, and it is the opinion of mankind today, when his statue has been erected in Paris and is about to be erected in London. If we throw aside the political testament of such a man, which has been of living force down to the present instant, because altered circumstances demand it, it is a subject for deep regret and not for rejoicing. When Washington prepared the farewell address he consulted Hamilton, perhaps the greatest constructive mind among modern statesmen, who prepared a large part of the draft; Madison, one of the chief framers of the Constitution and President of the United States; John Jay, chief justice and one of the great lawyers in our history. Following them came Thomas Jefferson, James Monroe, and John Quincy Adams, bringing the Monroe Doc-

trine to completion and rounding out the principles of Washington to which they were all alike devoted. If we are to be driven by modern exigencies to dismiss Washington and his counselors and the men who declared the Monroe Doctrine from our consideration, we ought, at least, as these stately figures pass off the stage of guiding influence, to pay homage to them and not relegate them to the shades of the past with jeers and laughter directed against their teachings.

But if we put aside forever the Washington policy in regard to our foreign relations, we must always remember that it carries with it the corollary known as the Monroe Doctrine. Under the terms of this league draft reported by the committee to the peace conference the Monroe Doctrine disappears. It has been our cherished guide and guard for nearly a century. The Monroe Doctrine is based on the principle of self-preservation. It involves but one essential proposition—that the Americas should be separated from the interference of Europe and that American questions in all parts of this hemisphere should be settled by Americans alone. I have seen it said that the Monroe Doctrine is preserved under Article 10; that we do not abandon the Monroe Doctrine, we merely extend it to all the world. How anyone can say this passes my comprehension. The Monroe Doctrine exists solely for the protection of the American Hemisphere, and to that hemisphere it was limited. If you extend it to all the world, it ceases to exist, because it rests on nothing but the differentiation of the American Hemisphere from the rest of the world. Under this draft of the statutes of the League of Nations American questions and European questions and Asian and African questions are all alike put within the control and jurisdiction of the league. Europe will have the right to take part in the settlement of all American questions, and we, of course, shall have the right to take part in the settlement of all questions in Europe and Asia and Africa. Europe and Asia are to take part in policing the American continent and the Panama Canal, and in return we are to have, by way of compensation, the right to police the Balkans and Asia Minor when we are asked to do so. Perhaps the time has come when it is necessary to do this, but it is a very grave step, and I wish now merely to point out that the

American people ought never to abandon the Washington policy and the Monroe Doctrine without being perfectly certain that they earnestly wish to do so. Standing always firmly by these great policies, we have thriven and prospered and have done more to preserve the world's peace than any nation, league, or alliance that ever existed. For this reason I ask the press and the public and, of course, the Senate to consider well the gravity of this proposition before it takes the heavy responsibility of finally casting aside these policies which we have adhered to for a century and more and under which we have greatly served the cause of peace both at home and abroad.

Very complete proof must be offered of the superiority of any new system before we reject the policies of Washington and Monroe, which have been in all foreign relations the Palladium of the Republic. Within the memory of those to whom I now speak the Monroe Doctrine stopped the incursions of England upon the territory of Venezuela and settled the boundary question finally by arbitration. Under the Monroe Doctrine we arrested the attempt of Germany to take Venezuelan territory on another occasion. In these two instances the doctrine was enforced by a Democratic President and by a Republican President, and they were supported in so doing by all the people of the United States without regard to party. I mention these cases merely to show that we are not cutting away from the body politic dead limbs, but that we are abandoning two cardinal principles of American government, which, until the presentation of this draft for the constitution of the League of Nations, were as vital as on the day when Washington addressed the people of the United States for the last time or when President Monroe announced his policy to the world. What has happened since Nov. 11, 1918, to make them so suddenly valueless, to cause them to be regarded as injurious obstacles to be cast out upon the dust heaps of history?

Two other general propositions, and I shall proceed to examine these league articles in detail. In article 10 we, in common, of course, with the other signatories and members of the projected league, guarantee the territorial integrity and the political independence of every member of the league. That means that we ultimately guarantee the independence and the boundaries, as now settled or as they

may be settled by the treaty with Germany, of every nation on earth. If the United States agrees to guaranties of that sort we must maintain them. The word of the United States, her promise to guarantee the independence and the boundaries of any country, is just as sacred as her honor — far more important than the maintenance of every financial pledge which the people of this country would never consent to break.

I do not now say the time has not come when, in the interest of future peace, the American people may not decide that we ought to guarantee the territorial integrity of the far-flung British Empire, including her self-governing dominions and colonies, of the Balkan States, of China, or Japan, or of the French, Italian, and Portuguese colonies in Africa; but I do suggest that it is a very grave, a very perilous promise to make, because there is but one way by which such guaranties, if ever invoked, can be maintained, and that way is the way of force — whether military or economic force, it matters not. If we guarantee any country on the earth, no matter how small or how large in its independence or its boundaries, that guarantee we must maintain at any cost when our word is once given, and we must be in constant possession of fleets and armies capable of enforcing these guaranties at a moment's notice. There is no need of arguing whether there is to be compulsive force behind this league. It is there in article 10 absolutely and entirely by the mere fact of these guaranties. The ranks of the armies and the fleets of the navy made necessary by such pledges are to be filled and manned by the sons, husbands, and brothers of the people of America. I wish them carefully to consider, therefore whether they are willing to have the youth of America ordered to war by other nations without regard to what they or their representatives desire. I would have them determine after much reflection whether they are willing to have the United States forced into war by other nations against her own will. I hope they will take time to consider this promise before they make it — because when it is once made it cannot be broken — and ask themselves whether that is the best way of assuring perfect peace throughout the future years. A world's peace which requires at the outset preparations for war — for war, either economic or military — in order to maintain that

peace presents questions and awakens thoughts which certainly ought to be soberly and discreetly considered.

The second general proposition to which I would call attention is this: We now in this draft bind ourselves to submit every possible international dispute or difference either to the league court or to the control of the executive council of the league. That includes immigration, a very live question. Are we ready to give to other nations the power to say who shall come into the United States and become citizens of the Republic? If we are ready to do this, we are prepared to part with the most precious of sovereign rights, that which guards our existence and our character as a Nation. Are we ready to leave it to other nations to determine whether we shall admit to the United States a flood of Japanese, Chinese, and Hindu labor? If we accept this plan for a league, this is precisely what we promise to do. Are we prepared to have a League of Nations, in which the United States has only one vote, open our doors if they see fit to any and all immigration from all parts of the world? Mr. Taft has announced that the question of immigration will go before the international tribunal, and says now that all organized labor is for the league. If American labor favors putting the restriction of immigration in the control of other nations, they must have radically changed their minds and abandoned their most cherished policy.

Certainly the gravity of such promises as are involved in the points I have suggested is sufficient to forbid haste. If such promises are to be given, they must be given in cold blood, with a full realization of what they mean, and after the American people and those who represent them here have considered all that is involved with a serious care such as we have never been called upon to exercise before. We are asked to abandon the policies which we have adhered to during all our life as a Nation. We are asked to guarantee the political independence and the territorial integrity of every nation which chooses to join the league—and that means all nations, as the President stated in his speech at Manchester. We are asked to leave to the decision of other nations what immigrants shall come to the United States.

We are asked also to give up in part our sovereignty and our independence and to subject our own will to the will of other nations, if there is a majority against our desires. We

are asked, therefore, in a large and important degree to substitute internationalism for nationalism and an international state for pure Americanism. Certainly such things as these deserve reflection, discussion, and earnest thought.

The first and most practical question for us to consider and decide is whether the terms of this committee draft of a constitution for the league of nations really makes for harmony among the nations or will tend to produce dissension and controversy. We all desire peace, but in our zeal for peace we must be careful not to create new obligations and new and untried conditions, which may lead to fostering war rather than peace.

I have stated some of the doubts and questionings which have arisen in my own mind, and I could print in the *Record* letters which I have received showing other points and questions which have occurred to other minds. This demonstrates the uncertainties which cloud this instrument from beginning to end. When the United States enters into an indissoluble permanent alliance there ought to be, as I have said, no uncertainties in the terms of the agreement. I earnestly desire to do everything that can be done to secure the peace of the world, but these articles as they stand in this proposed constitution seem to give a rich promise of being fertile in producing controversies and misunderstandings. They also make some demands which I do not believe any nation would submit to in a time of stress. Therefore this machinery would not promote the peace of the world, but would have a directly opposite effect. It would tend to increase the subjects of misunderstanding and dispute among the nations. Is it not possible to draft a better, more explicit, less dangerous scheme than the one here and now presented? Surely we are not to be shut up to this as the last and only word to take or leave.

To those who object that the criticism of this tentative draft plan of the committee of the peace conference must be not only destructive but constructive it might be said that the burden of proof lies upon those who propose, in order to establish the future peace of the world, that the United States must curtail its independence, part with a portion of its sovereignty, and abandon all the policies which have been so successful for more than a hundred years.

Those who support the present draft of the Constitution for the league must demonstrate that it is an improvement before they can expect its general acceptance. But the Senate cannot at this time undertake to make plans for a league, because we are in the process of negotiation, and the Senate does not begin to act until the stage of ratification is reached. At the same time there are certain constructive propositions which it would be well, I think, for the peace conference to consider. If it is said that you can preserve the Monroe Doctrine by extending it, which appears to me clearly to mean its destruction and to be a contradiction in terms, then let us put three lines into the draft for the league which will preserve the Monroe Doctrine beyond any possibility of doubt or question. It is easily done. Let us also have, if we enter the league, a complete exclusion from the league's jurisdiction of such questions as are involved in immigration and the right of each country to say who shall come within its borders and become citizens. This and certain other questions vital to national existence ought to be exempted from any control by the league or its officials by a very few words, such as can be found in the arbitration treaties of 1907. There should be some definite provision for peaceful withdrawal from the league of any nation desiring to withdraw. Lastly, let us have a definite statement in the constitution of the league as to whether the league is to have an international force of its own or is to have the power to summon the armed forces of the different members of the league. Let it be stated in plain language whether the "measures," the "recommendations," or the suggestions of the executive council are to be binding upon the members of the league and are to compel them to do what the league delegates and the executive council determine to be necessary.

On the question of the use of force we should not proceed in the dark. If those who support the league decline to make such simple statements as these, it is impossible to avoid the conclusion that they are seeking to do by indirection and the use of nebulous phrases what they are not willing to do directly, and nothing could be more fatal to the preservation of the world's peace than this, for every exercise of power by the executive council which the signatories to the league might fairly consider to be doubtful

would lead to very perilous controversies and to menacing dissensions.

Unless some better constitution for a league than this can be drawn, it seems to me, after such examination as I have been able to give, that the world's peace would be much better, much more surely promoted, by allowing the United States to go on under the Monroe Doctrine, responsible for the peace of this hemisphere, without any danger of collision with Europe as to questions among the various American States, and if a league is desired it might be made up by the European nations whose interests are chiefly concerned, and with which the United States could coöperate fully and at any time, whenever coöperation was needed. I suppose I shall make myself the subject of derision for quoting from the Farewell Address, but it states a momentous truth so admirably that I cannot refrain from quoting it, for I think it ought to be borne in mind. Washington says:

" Europe has a set of primary interests which to us have none or a very remote relation. Hence she must be engaged in frequent controversies the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves by artificial ties in the ordinary vicissitudes of her politics or the ordinary combinations and collisions of her friendships or enmities.

It must also be remembered that if the United States enters any league of nations it does so for the benefit of the world at large, and not for its own benefit. The people of the United States are a peace-loving people. We have no boundaries to rectify, no schemes, and no desires for the acquisition or conquest of territory. We have in the main kept the peace in the American hemisphere. The States of South America have grown constantly more stable, and revolutions have well-nigh disappeared in the States south of those bordering on the Caribbean. No one questions that the United States is able to prevent any conflicts in the American hemisphere which would involve the world in any way or be more than passing difficulties, which in most cases could be settled by arbitration. If we join a league, therefore, it must be with a view to maintaining peace in Europe, where all the greatest wars have originated, and where there is always danger of war, and in Asia, where

serious conflicts may arise at any moment. If we join a league, of course, we have in mind the danger of European conflicts springing up in such a way as to involve us in the defence of civilization, as has just happened in the war with Germany. But such wars as that are, fortunately, rare; so rare that one has never before occurred, and when the time came we took our part; but in the main our share in any league must be almost wholly for the benefit of others. We have the right, therefore, to demand that there shall be nothing in any agreement for the maintenance of the world's peace which is likely to produce new causes of difference and dissension, or which is calculated to injure the United States, or compel from us undue sacrifice, or put us in a position where we may be forced to serve the ambitions of others. There is no gain for peace in the Americas to be found by annexing the Americas to the European system. Whatever we do there we do from almost purely altruistic motives, and therefore we are entitled to consider every proposition made with the utmost care in order to make sure that it does not do us injustice or render future conditions worse instead of better than they are at present.

To me the whole subject is one of enormous difficulties. We are all striving for a similar result; but to make any real advances toward the future preservation of the world's peace will take time, care, and long consideration. We cannot reach our objects by something hastily constructed in a few weeks in Paris, in the midst of the excitement of a war not yet ended. The one thing to do, as I said in the Senate sometime ago, and that which I now wish above all others, is to make the peace with Germany—to make a peace which by its terms will prevent her from breaking out again upon the world; to exclude Turkey from Europe, strengthen Greece, and give freedom and independence to the Armenians and to the Jewish and Christian populations of Asia Minor; to erect the barrier States for the Poles, Czecho-Slovaks and Jugo-Slavs; to take possession of the Kiel Canal; to establish the Baltic States and free them from Russia and restore Danish Schleswig to Denmark. Provision must be made for indemnities or reparation, or by whatever name we choose to call the damages to be exacted from Germany. We ought, in my judgment, to receive indemnities which would enable us to provide for the

Lusitania claims and for the destruction of our ships by submarines—to go no further. But the enormous losses of England and Italy in shipping should be made good, either in money or in kind. Belgium must be restored and fully compensated for her terrible injuries.

Finally there is France and the indemnities to France ought to be ample and complete. The machinery taken from her factories should be restored. The cattle driven from her fields should be brought back. The debt of the free and civilized world to France is inestimable. Our own debt to her is very large. France has been our outpost and our bulwark. She has bared her breast to the storm and stood between us and the advancing hordes of Germany in the darkest days. It was France, aided by the small but gallant army of England, which checked the onrush of the Germans at the first battle of the Marne. It is her land which has been desolated and her villages and cities which have been destroyed. She should have compensation to the utmost limit in every way. Eternal justice demands it. But it is also to our immediate and selfish interest as a nation that France should be made as strong as possible. Alsace and Lorraine she must have without question and without reduction, and other barriers if necessary to make her impregnable to German assault, for on the strength of France more than anything else, because she is the neighbor of Germany, rests the future peace of the world. We ought, then, to make this peace with Germany and make it at once. Much time has been wasted. The delays have bred restlessness and confusion everywhere. Germany is lifting her head again. The whining after defeat is changing to threats. She is seeking to annex nine millions of Germans in German Austria. She is reaching out in Russia and reviving her financial and commercial penetration everywhere. Her fields have not been desolated nor her factories destroyed. Germany is again threatening and the only source of a great war is to be found for the future as for the past in Germany. She should be chained and fettered now and this menace to the world's peace should be removed at once. Whatever else we fought for certainly our first and paramount purpose was to defeat Germany. The victory over Germany is not yet complete. Let it be made so without delay.

That which I desire above everything else, that which is nearest to my heart, is to bring our soldiers home. The making of a League of Nations will not do that. We can only bring our soldiers home, entirely and completely, when the peace with Germany is made and proclaimed. Let that peace be made and I can assure the world that when the treaty of peace with Germany comes to this chamber there will be no delay in the Senate of the United States. We must bring our men back from France—the men who fought the war, the men who made the personal sacrifice. Let us get them back at once, and to that end let us have the peace made with Germany, made now, and not delay it until the complicated questions of the League of Nations can be settled with the care and consideration which they demand. What is it that delays the peace with Germany? Discussions over the League of Nations; nothing else. Let us have peace now, in this year of grace, 1919. That is the first step to the future peace of the world. The next step will be to make sure, if we can, that the world shall have peace in the year 1950 or 2000. Let us have the peace with Germany and bring our boys home.

This is the immediate thing to do toward the establishment of the world's peace, but there is an issue involved in the league constitution presented to us which far overshadows all others. We are asked to depart now for the first time from the foreign policies of Washington. We are invited to move away from George Washington toward the other end of the line at which stands the sinister figure of Trotzky, the champion of internationalism.

We have in this country a Government of the people, for the people, and by the people, the freest and best Government in the world, and we are the great rampart today against the anarchy and disorder which have taken possession of Russia and are trying to invade every peaceful country in the world. For Lincoln's Government of the people, for the people, and by the people we are asked to substitute in the United States on many vital points government of, for, and by other people. Pause and consider well before you take this fateful step. I do not say that agreements may not be made among the nations which stand for ordered freedom and civilization, which will do much to secure and preserve the peace of the world; but no such agreement has

yet been presented to us. We must beware of the dangers which beset our path. We must not lose by an improvident attempt to reach eternal peace all that we have won by war and sacrifice. We must build no bridges across the chasm which now separates American freedom and order from Russian anarchy and destruction. We must see to it that the democracy of the United States, which has prospered so mightily in the past, is not drawn by any hasty error or by any glittering delusions, through specious devices of supernational government, within the toils of international socialism and anarchy. I wish nothing but good to all the races of men. I hope and pray that peace, unbroken peace, may reign everywhere on earth. But America and the American people are first in my heart now and always. I can never assent to any scheme no matter how fair its outward seeming which is not for the welfare and for the highest and best interest of my own beloved people of whom I am one — the American people — the people of the United States.

SPEECH OF
PHILANDER C. KNOX

SENATOR FROM PENNSYLVANIA
IN THE SENATE, MARCH 1, 1919

THE *Official Bulletin* (printed daily under the order of the President of the United States) has published, under date of Friday, February 14, 1919, and under the title "Text of Covenant on League of Nations," the report of the Peace Conference Commission on the League of Nations. The document was read to the plenary session by the President, chairman of this particular commission, who accompanied his reading with comments. This document and the league plan which it outlines, in so far as they can be understood, may include so much that is strange to our traditional foreign policy, contrary to our fundamental principles of international intercourse and conduct, destructive of treaty rights indispensable to the safety of ourselves and other nations of this hemisphere, and so much that would require (before and in order that it could become operative) such basic changes in our Constitution to enable us to make the necessary surrender of high sovereign rights on which our great liberties rest that not only the Senate, which in due time may be called upon to advise and consent to the ratification of the plan, but the entire Congress and the whole people of the United States must give thereto the fullest and most mature, careful and calm consideration. The submission of this plan for adoption will constitute, for our people, far and away the greatest and most important matter placed before them since the nation was founded. Are we now invited to assist in forming and become a part of the United States of the world?

"As I have already stated, the document which we have before us is in its present form merely the report of a commission; it has been laid on the conference table at plenary

session, from which, as Mr. Clemenceau has assured the members, it may be removed for debate, amendment and adoption or rejection. In view of these facts, we might well forego its discussion until the conference in plenary session has adopted it, except that the report itself has acquired for this nation a peculiar significance by reason of the fact that the President presided over the body which drafted it; that he participated in the proceedings incident to the drafting; that as president of the commission he read the report submitting it to the plenary session of the conference; that he indorsed the document and thereby committed himself as national executive to it; and that he has officially assured, in his cable to the members of the Foreign Relations committees of the two houses of Congress, that there are good reasons even for the verbiage of the document, crude as that is.

“By way of clearing the ground, and that no doubt may exist as to my own personal attitude on war and the pacific settlement of international disputes, I crave indulgence at this point for a few words of explanation in order that such negative conclusions as I may reach shall not be charged to unfriendliness or bias. I may in the first place observe that I am and always have been against war and all its attendant woe, misery, horrors and crime. In common with all Christians I cannot and would not do otherwise than condemn it in terms as extravagant as language can frame.

“Feeling thus, I shall at any and all times do my utmost to bring into the world a reign of law, of order, and of universal peace. No man dreams loftier or feels more intensely than I on these matters. I realize moreover that with nations as with individuals sacrifice brings growth, moral and spiritual, and further that when all is said and done the moral and the spiritual things are all that are worth while in life, national and individual. I am willing, therefore, personally, to sacrifice, and to see my country sacrifice, the utmost possible to the establishment of peace and righteousness in the world. But my country's sacrifice counts for so much in the world that, since mere sacrifice itself availeth little, I wish to make sure before placing our national offering on the altar that when the fire is kindled and the offering is burned we shall have measurably and proportionately advanced the cause of human liberty and happi-

ness. It is in this spirit that I approach the discussion of the present project.

"After the most mature deliberation it is possible for me to give, I am convinced that you may place the case as high as you will, yet you cannot in the present state of society spell out an attainable end which would justify the destruction of our great country and Government—the greatest democracy of all recorded time. Our liberties, our free institutions, our civilization, traditions and ideals are all worth all we have ever given to get them and all we could possibly give, even to the point of extermination, to preserve them.

"Conjure in your mind, if you can, a world without the Declaration of Independence, without our Constitution and free institutions, without our proclamations of emancipation of races and of nations, without this nation itself, which all these things have builded and made mighty, and then tell me, I challenge you, what is in that now put before us which would fill in terms of blessing—not to ourselves, but to the world—the gap caused by their blotting out.

"The world has nothing more precious for man today and for the myriad generations yet unborn than our own great Government, institutions and people—a people which without the obligation of treaty or alliance, without thought of gain, and with only the thought of protecting eternal right, put on the full accoutrement of war and went to battle that the inalienable human rights of life, liberty and the pursuit of happiness might still have a dwelling place among men, 'that government of the people, by the people and for the people might not perish from the earth.'

"Holding our Government and its institutions in this fervent reverence, and profoundly averse to war for its own sake, I must for myself demand that any plan proposed shall, to secure my support, meet these simple and reasonable tests:

"Do its provisions abolish war and make it hereafter impossible, for I would be willing we should go far and risk much to accomplish this? Do its provisions strike down our Constitution, or destroy our sovereignty, or threaten our national independence and life? For if the plan proposed does these things then it must receive the condemnation of every loyal citizen.

“And I tell you here in all soberness that these matters must be approached by all of us in a spirit of candid fairness, without cavil, bias, or partisanship, for our fate and the fate of the world, if this matter go certainly forward, waits upon our decision. And one word further let me say, if we are to go forward with this plan it must be wholeheartedly and with absolute good faith. Neither we, nor those who represent us in the league bodies, must trifle with our sacred plighted word. For weal or woe we must stand by our covenant. We must never leave in our history the taint of the ‘Scrap of Paper.’

“Having thus made my explanation, I proceed to the plan itself, which I shall discuss without heat or color, and with such judicial calm and fairness as I am able to bring to my command.

“Any definite and precise examination or criticism of the Covenant is made immeasurably difficult because of the looseness of expression which characterizes the document throughout; and while I shall not take your time to discover mere matters of verbiage, there are two such matters to which I invite your attention because they relate to matters more or less basic. The first is the language of Article 1, which provides that ‘The action of the High Contracting Parties . . . shall be effected through the instrumentality of meeting of a body of delegates.’ This as a matter either of language or of logic is sheer nonsense, and yet this article purports to lay down one of the fundamental precepts of the plan. One is tempted to believe on casual reading that this is mere infelicity of expression and that after all the meaning may be plain; but further study raises a serious doubt, because it is not at all clear whether the document sets up one or two operating entities for its enforcement, as the following extract will show:

“Article 1 prescribes that ‘The action of the high contracting parties under the terms of this covenant shall be effected through the instrumentality of meeting of a body of delegates representing the high contracting parties’ and not of the league.

“Article 2 declares that any war or threat of war is a matter of concern to the league, and that ‘the high contracting parties reserve the right to take any action that may be deemed wise and effectual to safeguard the peace of

nations. Assuming the language is carefully chosen, it is obvious that it is quite impossible for the league itself, which is the creature of the high contracting parties, to reserve a right against the parties creating it, and yet it is quite intelligible and accurate to say that the high contracting parties who create the league reserve a right as against the league itself.

“Again in the last paragraph of Article 19 the High Contracting Parties ‘agree to establish’ a Mandatory Commission which shall, *inter alia*, assist the League in insuring the observance of the terms of all mandates.

“Article 15 provides that in case a dispute ‘between the States, members of the League,’ has not been submitted to arbitration under Article 13 (and possibly 12) then ‘the High Contracting Parties agree that they will refer the matter to the Executive Council,’ but ‘either party to the dispute may give notice of the existence of the dispute to the secretary-general’ of the League.

“Under Article 18 ‘the high contracting parties agree that the League shall be intrusted with general supervision of the trade in arms and ammunitions, etc., etc.’ It would be absurd here to substitute ‘League’ for ‘high contracting parties’ so that the sentence would read ‘The League agrees that the League shall be intrusted, etc.’

“Again in Article 21 ‘the high contracting parties agree that provision shall be made through the instrumentality of the League to secure and maintain freedom of transit and equitable treatment for the commerce of all states members of the League.’ Obviously here the high contracting parties and the League can scarcely refer to the same operating entity.

“How important this matter of a possible double international entity is, becomes at once apparent when it is observed that the provisions of the supercovenant of Article 10 reads, ‘the high contracting parties undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all states members of the League.’

“I shall later comment upon other covenants of the high contracting parties when it will become increasingly apparent how indispensable it becomes to have this point cleared up, because if the high contracting parties do not comprise

every state that is a member of the League, then the burden assumed by the high contracting parties (whoever they may be, possibly the 'Big Five') is crushing in its weight.

"One other point closely akin to the two foregoing should be considered here. The text as printed in the Official Bulletin is entitled 'Covenant on the League of Nations.' Now the term 'League of Nations' as applied to the organization contemplated by this covenant is, if judged by popular conception, a deceptive misnomer. The popular thought is that a League of Nations means a League of all the Nations of the world. Such, however, is not the League provided for in the document now before us, save in remote contemplation, for under this proposed plan the nations of the world are divided into three classes:

"First, 'Signatories' of the covenant; these are not named, but it is assumed they will include and possibly be confined to the five great Entente Powers, that is to say, the British Empire, France, Italy, Japan and the United States;

"Second, 'States not signatory to the covenant,' but named in the protocol attached to the covenant; no information is given as to who these states are, though surely they will include such Entente Powers, if any, as are not signatories as well as certain other States neutral in the conflict now closing; and

"Third, those States which are neither signatories nor protocol States and which must, to be admitted to the League, be prepared to give certain effective guaranties as to their intention to be bound by their international obligations. These latter are outcast States and presumably include the Central Powers and their Allies in the war.

"Thus a League of Nations in the sense of all the nations is not created by this document, nor are the States members of the League treated as equals, as is apparent, and will be more fully shown when it is considered that the governing body of the proposed League, namely, the Executive Council, is made up of representatives of only nine States.

"But the term League is a misnomer in another and really vital matter. For a League connotes a confederation, and a confederation implies a right in the several parties to withdraw at their will. But there is no right of secession within the four corners of this covenant. On the other

hand, the association here provided for is a union in the full sense of that term as applied to our own political institutions. Once in this union and we remain there no matter how onerous its gigantic burdens may become. No matter how great the distaste and revulsion our people may have for it, we must remain members until either we persuade all the States represented in the Executive Council and three-fourths of those represented in the body of delegates to bid us depart in peace, or until the League crumbles of its own weight or is destroyed by its enemies, or until we fight our way out against the British Empire, France, Italy, Japan and all the lesser States they are able to persuade to join the League.

"It is well that all discussions of this project should be had with the foregoing preliminary matters in mind.

"In proceeding with my analysis it will be convenient to examine first the machinery set up by this document for carrying out its covenants, noting the powers and duties of the respective parts, and then to consider the broad matters of substance. The document before us establishes six operative league bodies as follows:

- Body of delegates.
- Executive council.
- Military naval commission.
- Mandatory commission.
- Bureau of labor.
- Permanent secretariat.

"1. Body of Delegates:

"The Body of Delegates is to be made up of representatives of the 'high contracting parties,' each party to have not more than three delegates but to have only one vote.

"The specific jurisdiction given to the Body of Delegates in the instrument bestows roughly three broad powers, first, to entertain reports made by any of the 'high contracting parties' of 'circumstances affecting international intercourse which threaten to disturb international peace or the good understanding between nations upon which peace depends'; second, to take jurisdiction of a dispute not settled by arbitration which is referred to it by either party thereto or by the executive council, providing this reference is made within fourteen days after the dispute is submitted

to the executive council, in respect of which reference the body of delegates has the same actions and powers concerning the dispute as would the executive council, if it continued to entertain jurisdiction; and third, to advise the reconsideration by members of the league of those treaties which have become inapplicable and of international conditions of which the continuance may endanger the peace of the world. The body of delegates is also ultimately to choose the four other States, not named in the document, who shall be represented on the executive council, and is also to vote on the admission to the league of certain out-cast States to be noted later.

“But the document contains no provisions whatever regarding the appointment, removal, compensation, or tenure of these representatives who are to exercise these powers. Neither is there any provision covering the organization of the body or how it shall vote or function, nor what number of states or delegates constitute a quorum for doing business, whether distinctions shall be made as to the number necessary to transact different kinds of business, beyond the provision of Article 4, which puts matters of procedure and the appointment of committees into the hands of a ‘majority of the states represented at the meeting.’

“2. Executive Council:

“The executive council is to be made up of representatives of the British Empire, France, Italy, Japan and the United States, and of four other states to be selected ‘by the body of delegates on such principles and in such manner as they think fit,’ that is nine states in all.

“The jurisdiction of this superbody, thus made up of representatives of nine out of the half hundred states more or less, which compose the world, is stated to be any matter within the sphere of action of the league or affecting the peace of the world.’ But in addition to this general grant of jurisdiction certain specific powers are bestowed, the more important of which may be stated in general terms as follows:

“Making plans for the disarmament of the world, determining what is fair and reasonable military equipment and armament for each nation, and deciding regarding any increase in armament of any Power; formulating plans to cure the evils of private manufacture of munitions of war;

devising means for fulfilling the obligations to preserve (if necessary by armed force) the territorial integrity and existing political independence of all States members of the league against external aggression; sitting in judgment on and making recommendations regarding any dispute whatsoever arising between the high contracting parties; proposing steps for the enforcement of arbitral awards; formulating plans for establishing a permanent court of international justice, proposing measures necessary to give effect to their own recommendations; recommending what effective military or naval forces each member of the league shall contribute to protect the covenants of the league, seemingly, not only against league but non-league members, that is, as a practical matter, the power to declare war; determining the conditions upon which non-members may assume the obligations of the league for the purpose of any particular dispute and examining and making recommendations concerning any dispute which may arise between members of the league and non-members or among non-members themselves; taking such action and making such recommendations as will prevent hostilities between two non-member disputing States who have declined to accept the obligations of membership in the league for the purpose of dispute, and defining in a special act or charter 'the degree of authority, control or administration to be exercised by the mandatory State over the colony or territory placed under its protection.'

"Obviously, as already suggested, this is the real governing body of the league, yet such essential matters as what shall be the number of representatives from each State, who shall fix the number, shall the States be represented by an equal number of representatives, what shall be the manner of organization and of voting, are not stated in the document. Neither does the document provide for the appointment, removal, compensation or tenure of these representatives, though the document provides that procedure at the meetings of the council, including the appointment of committees to investigate particular matters, is to be regulated by the council 'and may be decided by a majority of the States represented at the meeting.' Who shall call the meetings, except the first, how many States or representatives shall constitute a quorum, what, if any, matters would re-

quire more than a majority vote, and all other vital matters connected with the deliberations of this world-ruling body are entirely unprovided for. And yet, this is the body which is hereafter to determine whether we, the people of the United States, shall go to war, and what our participation therein shall be.

“Nor are these all the defects of the instrument in respect of the operations of the executive council. There are absolutely no principles, rules, or regulations laid down in the covenant by which this world-governing body is to be guided. It makes its own principles, rules and regulations; it hales before it every power, whether league members or not, who it believes has violated any such principle, rule or regulation; it sits as a court to determine whether any violation has actually occurred; it passes judgment upon a violation when found; and it determines the means which shall be used in enforcing its judgments or recommendations, the league being bound to furnish the means so determined upon.

“I am not unmindful of the fact that by the ‘covenant-preamble’ international coöperation and international peace and security are to be promoted, inter alia, ‘by the firm establishment of the understandings of international law as the actual rule of conduct among governments.’ But this provision merely accentuates the difficulty, for there is no universally recognized body of international law, and no provision is made in the instrument for even an attempt to secure one. Indeed there are many great and fundamental differences of opinion as to what is the rule or principle of international law on many grave questions, and even the customs of nations, not generally regarded as having yet ripened into international law, are greatly at variance. Thus the executive council in reality stands in a position, as already stated, to make its own law, rules and regulations. To sum up, the executive council is legislature, court, and in a large part, executive, all in one. A body clothed with powers such as this is an anachronism. It belongs not to the enlightened age of the twentieth century, but to the days of the Medes and Persians. A union more abhorrent to our traditions, to our free institutions, to the trend of all civilized government, could not be devised.

“The permanent military naval commission provided for

in article 9 is to 'advise the league on the execution of the provisions of article 8 (which relate to disarmament) and on military and naval questions generally.' That is to say, it is the great general staff of the league, and seemingly is to be laden with the entire military responsibility thereof, in whatever military activities the league may undertake. The document submitted contains absolutely no intimations as to the composition of the commission, the number of members, the method of appointment, the States from which they shall be appointed, their removal, their compensation, or their tenure. Neither are there any rules, beyond the most general, laid down for their guidance and control.

"The Mandatory Commission is to be established by the High Contracting Parties and it 'is to receive and examine annual reports of the mandatory powers and to assist the league in issuing the observance of the terms of all mandates.' The same indefiniteness exists as to the organization and operations of this commission that exists with reference of the Military and Naval Commission.

"The High Contracting Parties agree to establish 'as part of the organization of the league a permanent Bureau of Labor' which is set up to carry out the undertaking of the High Contracting Parties that they 'will endeavor to secure and maintain fair and humane conditions of labor for men, women and children, both in their own countries and in all countries to which their commercial and industrial relations' extend. Here again are no details as to the composition, organization, appointment, removal, compensation, or tenure of the members of this bureau.

"Read in the light of the provision of Article 21, which requires that the High contracting Parties shall make provision through the instrumentality of the league 'to secure and maintain . . . equitable treatment for the commerce of all states members of the league' the question arises as to whether or not it is the intent of these provisions to put the labor of all countries upon an equality and if this be the intent and purpose of the document, then the labor of this country may well consider, inasmuch as France has already given notice that it will be impossible for French labor to be put on an equality with American labor in hours of work, whether American labor is to be brought to the level of

French labor in this regard, in order that there may be equitable treatment of the commerce of the two countries.

“Finally there is the permanent secretariat which apparently is to perform the ordinary secretarial duties both for the body of delegates and for the Executive Council.

“The duties of the secretariat are, in addition to the secretarial services necessary for the body of delegates and the Executive Council, to receive from ‘parties’ in dispute, statements of their cases, with all relevant facts and papers and to register and publish all treaties hereafter entered into by regular members.

“This is the machinery of the League. The mere narration I have made shows great gaps in indispensable provisions and procedure. I assume I need make no argument to establish that before we become parties to any such plan as herein proposed, we must know something, must have some assurance on these vitally important matters now unprovided for. Nor can it be properly said that these are mere details which have no place in a great document, for all are of the kind which are provided for in our own Constitution, which certainly is entitled to rank fully with this covenant as to novelty of plan and provision and as to importance and far-reaching consequences.

“Referring again to the possible distinction between the high contracting parties and the league, and the fact that seemingly the document provides for these two international entities, each with its own rights, duties and obligations, it is most important to note the nature of the covenants which under this document are to be entered into by the high contracting parties (and we must remember that what the high contracting parties covenant, we covenant, their obligations are our obligations) and by the league respectively. The proceeding may prove tedious, but it appears to me necessary that these covenants be fresh in our minds for the discussion with which I intend to follow them. In listing the more important of them I shall follow the order in which they occur in the document, without attempting to correlate those of like nature. Those of the high contracting parties are as follows:

“The high contracting parties agree (in connection with the programme for disarmament) not to conceal from one another the condition of their industries capable of being

adapted to warlike purposes; to give a full and frank interchange of information as to their military and naval programmes; and not to exceed the armament limits proposed by the executive council and adopted by themselves except with the consent of the council.

"The supercovenant of Article 10 obligates these parties, including ourselves, to respect and to preserve against external aggression the territorial integrity and existing political independence of all League members. It is to be noted that this guarantee runs not alone to the existing territory of nations, but to any territorial extent to which they may hereafter attain. If, for example, any of the German colonies shall ultimately be incorporated into the territory of any of the parties, this guaranty will run to this extension. It should be here further observed that if there is a difference between the High Contracting Parties and the League, then it is High Contracting Parties including ourselves and not the whole League, which guarantee not only their own territorial integrity and independence, but the territorial integrity and political independence of every other member of the League.

"By Article 12 the parties agree not to resort to war against any high contracting party over any dispute whatsoever until the matter has been submitted to arbitration or subjected to inquiry before the executive council, and not then until three months after a decision by either, and further not to resort to war in any event against any member of the league which complies with the award of arbitration. It may be remarked in passing, two things are obvious; first, that this does not prevent but merely delays war by the high contracting parties, except that, second, if a member of the league obtaining the judgment before the arbitration tribunal or the council accepts the benefit of the judgment (as of course the winning party would all but universally do) then the losing party shall not under such circumstances go to war against the winning party.

"Article 13 contains a narrower covenant to arbitrate difficulties with an undertaking to carry out the award in good faith.

"By Article 15 the high contracting parties agree to refer to the Executive Council any dispute not submitted to arbitration and likely to lead to rupture, which may arise be-

tween states members of the league; 'the parties' agree to communicate to the secretary general 'statements of their case' with all relevant facts and papers which the Executive Council shall forthwith direct to be published, and further that they will not go to war 'with any party' which complies with any recommendation of the Executive Council which is unanimously concurred in by all members of the council, except the parties to dispute. Seemingly they may go to war over a recommendation of the council which is not unanimously concurred in by all members of the council, except the parties in dispute. Finally, this article stipulates that the high contracting parties agree that if any party refuses to comply with any such recommendations so made the council shall propose measures necessary to give effect to their decision.

"Under Article 16, it is agreed that if any of the High Contracting Parties breaks or disregards its covenants under Article 12 (the article in which the parties bind themselves not to go to war except under certain conditions) that then the parties shall subject the offenders to a severance of trade and financial relations and of intercourse between nationals of the offending State or States, and to the prevention of all financial, commercial, or personal intercourse between the nationals of offending States and the nationals of all other States. Moreover, the High Contracting Parties bind themselves mutually to support one another, first, in the financial and economic measures which may be taken under Article 16, 'in order to minimize the loss and inconvenience' resulting from the measures outlined in this article, and, second, in resisting any special measures aimed at one of their number by a covenant breaking State.

"In Article 17 the parties agree that in disputes between members of the League and non-members thereof, or in disputes entirely among non-members, the involved non-members shall be invited 'to accept the obligations of membership in the League for the purpose of such dispute' upon conditions fixed by the Executive Council. If this invitation be accepted the preceding provisions shall be applied, with modifications deemed necessary by the League. If the Power so invited refuses to accept the obligations of membership in the League for the purposes of such dispute, and if such Power takes against a League member any

action which if taken by such a member would constitute a breach of Article 12 (that is the article which contains the covenant against a resort to war), then the provisions of Article 16 (the article which contains the sanction by which observance of Article 12 is to be compelled) shall be applicable as against the unwilling State. With reference both to this article and to Article 16 it should be recalled that it is the duty of the Executive Council in case the prescribed peaceful means of coercion do not suffice to bring the offending State to terms to recommend what effective military or naval forces the members of the League shall severally contribute to the armed forces to be used to protect the covenants of the League.

“By Article 20 the high contracting parties undertake to endeavor to secure and maintain fair and humane conditions of labor in member States and among non-member States, and agree to establish as part of the organization of the League a permanent Bureau of Labor—a somewhat drastic potential interference not merely with our Federal but with our State powers as well.

“In Article 21 the high contracting parties agree that provision shall be made through the League to secure and maintain freedom of transit and equitable treatment for the commerce of all members, with special arrangements in regard to the necessities of regions devastated in the present war.

“Under Article 23 the high contracting parties agree that the treaty hereafter entered into shall be registered with the secretary general and that no such treaty shall be binding until so registered.

“And by Article 25, probably the third most important in the entire document, the high contracting parties agree that this covenant shall abrogate all obligations inter se which are inconsistent with the terms thereof and that they will not enter into any other engagements which are thus inconsistent. In case any powers make, after entering the League, inconsistent obligations they must take immediate steps to procure release from such obligations. In passing, I raise this as a question of no little importance. Since the covenants of the League guarantee territorial integrity and political independence of League members, then a similar covenant between any two members of the League would

probably be considered an inconsistent obligation; and if this be true I invite the attention of the Senate to the possible abrogation of the Platt amendment treaty between ourselves and Cuba—a treaty heretofore regarded as indispensable to our national welfare and safety—in case both Cuba and the United States become members of the League.

“The foregoing are the more important covenants which run in the name of the high contracting parties.

“I wish now to direct your attention to the powers which run in the name of the League as such, and to renew my invitation that you consider well the differences between the two sets of covenants and powers, and to my question as to whether the plan contemplates two international entities, namely, the high contracting parties and the League.

“By Article 7 the league is to prescribe conditions of entry into it of the outcast State; by Article 17 the League is to be entrusted with the general supervision of trade in arms and ammunition in countries where a control of the traffic of such is necessary to the common interest; by Article 19 the League, assisted by the mandatory commission, is to insure an observance of all mandates; and by Article 21 the League is to be the instrument through which the high contracting parties shall secure and maintain freedom of transit and equitable treatment of commerce of all members together with special arrangements with regard to the necessities of regions devastated in the present war.

“These are the sum total of the powers and obligations which in this covenant run to the League as such. How great the undertakings of the high contracting parties, how meagre the obligations of the League itself is evident from this enumeration.

“And in considering all this it must be remembered that once we enter this League and assume these obligations, we cannot secure any modification thereof, except with the consent of all the States whose representatives compose the Executive Council, and of three-fourths of the States whose representatives compose the body of delegates. What a magnificent field we would thus create for grandiose international political manipulation by ambitious men and groups.

“With this analysis before us, we are now in a position

to consider the application of the rules by which in my judgment this proposal must be tested.

"First — Do its provisions abolish war and make it hereafter impossible? There is not an important article in the document which does not specifically answer that question no. And further, the scheme provided therein holds out a higher promise, nay assurance, of a future world-wide war, greater than any which has gone before, than any other document in the history of recorded time.

"I have already pointed out that the covenant provides for three sorts of States; first, 'signatories' of the covenant; second, protocol States, and third, outcast States, which I take it are the Central Powers and their allies.

"Now it is unnecessary to labor an argument to show that the inevitable result of outlawing the Central States will be to drive them more closely together for mutual self-protection, and that this in turn will make the formation of a second League of Nations almost an assured certainty. It may well be that this second League will not at the outset be constituted with all the formalities which mark the one we have under consideration, but in all human probability such a League will be somehow formed, by informal understanding or otherwise, and when so formed will bid for the adherence to it of neutral States. We would thus have in no distant future two great Leagues of nations, which will become two great camps, each preparing for a new and greater life and death struggle. Our only escape from this result, under this plan, would be through the exercise of such a tyrannical despotism over the peoples of the Central Powers as we, with all our traditions and ideals, must not become a party to, for it would be violative of all those human rights for which our fathers fought and which our own Constitution guarantees. Moreover, to keep peoples in such a state of subjection as would be necessary to obviate the result above pointed out would require such an expenditure of effort, treasure and blood as never would be permanently tolerated by our people. Thus the plan proposed, instead of being a plan by which the permanent peace of the world would be assured, becomes a plan under which a constant warfare or a potential great world-wide conflagration becomes an assured fact.

"In other words, this plan, as the prescriptions of the

document demonstrate, is in effect merely an offensive and defensive alliance between certain picked Powers as between themselves, and a coalition among them as against the balance of the world, and this coalition is formed with an avowed and published purpose to impose upon the stranger Powers the will of the coalition, not merely in matters relating to the prevention of war but in all other matters in which the conduct of the stranger Powers affects the members of the coalition. This is tyranny, nothing more, nothing less. Has history ever answered an attempt to do this thing save in one way, and has that way ever spelled anything but disaster for the coalition? Is such a proposal not monstrous, and if so can it have our support? Must our every effort not be to avoid so dividing the world into two warring camps? In what respect will the situation so formed differ from that created by the centuries old doctrine of balance of power, save only that now for the first unhappy time in our history we are to be placed in one side of the balance?

“‘But,’ it is said, ‘this is all merely potential, it may not happen, and therefore the League should not for that be condemned.’

Grant this, for the sake of argument. What then?

“In the first place, the League plan still regards war as legal and as possible in the following more obvious cases:

“*First.* Under Article 12, if two of the high contracting parties have a dispute which is submitted to arbitration and with the award of which neither party is satisfied they may properly go to war after an interval of three months from the date of the award.

“*Second.* Under the same article, if there is a like dispute between like parties, and the matter is submitted to the Executive Council which makes a recommendation which neither party is willing to accept, then the parties may after three months properly go to war.

“*Third.* Under Article 15, if a dispute goes either to the Executive Council or the Body of Delegates, and either body gives a decision unanimous, except as to the parties in dispute, and this decision is unacceptable to both parties to the dispute then they may legally go to war.

“*Fourth.* It would seem, under the same article, that if neither the Executive Council nor the Body of Delegates

can reach a decision which is unanimous except for the parties to the dispute that then the parties thereto may legally go to war.

"Fifth. All the conflicts between States not members of the League would under the covenant appear to be legal under the covenant, though the League declares its right and intention to interfere in them if it desires.

"Sixth. The high contracting parties may take a hand in any war under the stipulations of Article 2, that 'any war or threat of war, whether immediately affecting any of the high contracting parties or not, is hereby declared a matter of concern to the League, and the high contracting parties reserve the right to take any action that may be deemed wise and effectual to safeguard the peace of nations.'

"Seventh. Under the provisions of Articles 17, 12 and 16 disputes between States members of the League and States not members of the League may lead to legal wars either between the two States themselves or between the disputants (one or both) and the League or the high contracting parties.

"In all of these cases the covenant recognizes the legality of a state of war. But the covenant goes way beyond this and provides for and requires that in certain far reaching controversies the parties must go to war. Without attempting to spell out from this instrument the full number of cases in which war is mandatory I confine myself to three:

"First. By this document we, as one of the high contracting parties, obligate ourselves to preserve, by force of arms if necessary, the territorial integrity and political independence of all States members of the League.

"Second. If any of the high contracting parties breaks or disregards its covenants under Article 12 (the covenant dealing with resort to arms) then as a member of the League we must fly to arms to protect the covenants.

"Third. If any non-member of the League, either accepting or not accepting the obligations of membership in the League for the purpose of the dispute, acts in such way as would constitute a violation of Article 12, if the State were a member of the League, then we must go to war to protect the covenants of the League.

"And in all these three cases, whether or not we participate and the amount of our participation in belligerent oper-

ations is determined not by ourselves but by the Executive Council, in which we have seemingly at most, but one voice out of nine. No matter what we think of the merits of the controversy, no matter how we view the wisdom of a war over the cause, we are bound by this covenant to go to war when and in the manner the Executive Council determines. Thus it is seen that in this alleged instrument of peace war is legalized in seven cases and made compulsory in three.

“And in this connection, as bearing upon our financial and economic burdens outside those connected with carrying on our share of the war, I ask your consideration of the last paragraph of Article 16, by which ‘the high contracting parties agree further that that will mutually support one another in the financial and economic measures which may be taken under this article in order to minimize the loss and inconvenience resulting from the above measures.’ What our contributions will be under this, how much our citizens must be ground down by taxes to take care of wild and extravagant expenditures which we did not and would not initiate and over which we would have no control, only an all-wise Providence can foresee.

“Thus the proposed covenant, instead of abolishing war, actually sanctions, breeds and commands it. Moreover, it absolutely requires that every future war shall be a potential world war, and that we shall be an active participant in every such war. We are thus thrust fully into the terrible cauldron of European politics, and every outbreak in the Balkans (even domestic, if it threatened international war) will call for some expenditure of treasure, for some shedding of American blood, for some loss of American life. It is idle and fatuous to hope or believe these outbreaks will not occur, for ambitious men do not hesitate to waste life in order to punish an enemy or gain a goal.

“The plan, therefore, fails to meet the first test.

“We come now to the second question I proposed: Do the provisions of the proposed covenant strike down the precepts of the Constitution? A mere listing of some of the more conspicuous provisions of each shows that it does.

“Under the Constitution the Congress of the United States has the exclusive power to declare war. The proposed covenant puts the power of declaring war in the hands of the Executive Council, in which, it is true, we have a

voice but not the constitutional voice. Thus, whether Congress wishes or not, whether the people wish or not, we may be forced into war, with all its sacrifices of life, in a cause in which we have no real concern and with which we may be out of sympathy, under the penalty that if we do not go to war we shall, by breaking a covenant of the League, bring war upon ourselves by the balance of the world.

“Under the Constitution the Congress of the United States has the exclusive power to raise and support armies and to provide and maintain a navy. The covenant provides that the Executive Council shall formulate plans limiting the size of our Army and Navy, that the council shall then ‘determine for the consideration and action of the several Governments what military equipment and armament is fair and reasonable in proportion to the scale of forces laid down in the programme of disarmament, and these limits when adopted, shall not be exceeded without the permission of the Executive Council.’

“If we act in good faith under this agreement we shall of course adopt the armament limits which as a member of the Executive Council we shall have assisted in formulating. Thereafter no matter what our necessity or what its urgency, no matter what Congress or the people themselves may think the situation requires, we cannot raise a single man beyond our limit, save and except it be approved by the Executive Council in which we are one of nine participating States. If war were abolished this might be tolerable, but with war legalized even between members of the League and actually commanded in certain contingencies, this may spell for us overwhelming disaster.

“Under the Constitution a treaty becomes effective upon its ratification, following the advice and consent thereto of the Senate. Under the covenant no treaty becomes binding until it has been registered with the secretary-general of the League.

“It seems reasonably certain, moreover, that situations calling for unconstitutional action by this Government might arise under the provisions of Article 16 relating to financial and economic measures of support, and Article 20 relating to freedom of transit and equitable treatment for commerce, because under these provisions the League might

demand the making of laws which in the sound discretion of Congress ought not to be made, and yet Congress might find itself, under the compelling force of war with the entire League, to enact such legislation. And next to the powers of war, no powers are more far-reaching or vital than those which control the financial and economic life of the nation.

“One other matter demanding consideration, the question of mandates, may be appropriately dealt with here. The provisions of the covenant relating to this subject are so loosely drawn (purposely or otherwise) that one cannot tell just how the mandatory States are to be selected. It is true that with reference to the communities formerly belonging to the Turkish Empire it is stated that the wishes of the communities must be a principal consideration in the selection of the mandatory Power, but this provision is not made as to any of the other colonies or territories for which provision is to be made, and this notwithstanding the principle of self-determination adopted (as has been reported in the press) by all the Powers now in conference. Are the mandatory States to be chosen by the high contracting Parties, by the members of the League, by the body of delegates or by the Executive Council? Or is the State protected (for stripped of the new day verbiage, a protectorate is really provided for) other than the Turkish Empire communities, to indicate or to pick out from the League membership or from States not League members or from the high contracting parties that particular State which the protected State wishes as a protector? It is clear, however, that the protecting State, the mandatory, will have in the matter no choice or voice other than that which it exercises in the body of delegates or in the Executive Council or as member of the high contracting parties, whichever makes the choice. But no matter who picks the mandatory Power, clearly some one besides ourselves has the power to say whether and when our boys and how many of them shall be sent to the arid region of Armenia, or to the sleeping death regions of Central Africa, or to the wildernesses of Southwest Africa, or to the inhospitable South Pacific Isles, and when they get there it will be somebody else besides ourselves who will determine how long they shall remain, by what laws they shall govern the people, and what shall be their measure and rules of protection. For it is clear (that is as clear

as the covenant makes anything) that the terms of the protectorate are to be determined not by and between the protecting and protected States but by the high contracting parties or they failing by the Executive Council in a special act or charter.

“Moreover, it seems a matter of certain deduction that as parties other than ourselves are to determine the size of the army of occupation which we shall send, the methods and nature of its operations, the length of time it shall remain there, the rules and principles by which it shall govern the peoples of the occupied territory and the kind and extent of the upbuilding work which shall be performed by the protecting State, then somebody else besides ourselves must decide how many billions (for we speak now only in such terms) we shall wring from our own people by taxation and spend in the territory over which we have been made mandatory, perhaps against not only our own free desires but the will of the protected peoples themselves.

“I take it to be unnecessary to point out how destructive all these things would be to our Constitution, which lodges in the Congress the power to raise and equip armies, to raise revenues and make appropriations—in both matters solely in accordance with the discretion of Congress, and which lodges in the national executive the power to control and direct the operations of any army in the field, including the power to lay down the rules which shall operate and control between the occupying army and the inhabitants of the territory occupied.

“Thus this covenant will, if it becomes operative, strike down most vital provisions of our Constitution, and here again it fails to meet the test.

“I am now to the third question I have put: Are the provisions of the proposed covenant destructive of our sovereignty?

“Cast up in your mind the colossal powers granted to the Executive Council (in which, be it always remembered, we are but one of nine participating Powers); recall the far-reaching and vital covenants into which we shall enter as one of the high contracting parties; and hold in mind that we are to give up the power to say when we shall have war, when peace, what shall our Army number, how many vessels of war shall we have, how, when, where, and under what

conditions shall our Army and Navy be used, when shall our treaties be binding, what shall our treatment of commerce be, how great shall our gift of funds to other Powers and therefore how great the tribute we shall pay — consider all these and you cannot but say that our sovereignty has in matters of national life and death been destroyed.

“Pause, Mr. President, and consider what it is proposed to do — to take from the social organism not alone the right but the power of self-defence. We shall stand not only naked, but bound and helpless.

“Why, sir, it is contrary to the eternal course of nature, exhibited in all her works since the dawn of time, for a defenceless organism to survive, whether that organism be plant, animal or social. How, then, shall we hope to live?

“I come now to the fourth and last of my tests: Will this plan, if put into operation, threaten our national independence and life?

“Judged by all the standards of the past, by history and by experience, we must answer that it does.

“It threatens our life in respect of all those matters in which our sovereignty is impaired, because when sovereignty goes, life as a nation goes. Independence goes when our conduct is dictated by others, when our continued existence depends upon the will of others, when we are no longer able to avail ourselves of our wonted means of defences, actual or by anticipation.

“That under this plan our conduct is dictated by others cannot be gainsaid when we recall that we may be launched into a worldwide war without the power of determining what our participation shall be, either in men, armament or money. That our continued existence depends on the will of others is clear from the fact that, disarmed by the mandate of the League, we shall not be permitted to increase our armament save by the consent of the Executive Council, no matter how great or pressing the emergency or the danger.

“That we may no longer avail ourselves of our wonted means of defence, actual or by anticipation, is not to be successfully denied, as one illustration will suffice to show.

“It was Thomas Jefferson who said, ‘Our first and fundamental maxim should be never to entangle ourselves in the broils of Europe; our second, never to suffer Europe

to intermeddle with cis-Atlantic affairs.' On this latter principle Monroe announced later the doctrine which bears his name; namely, 'We should consider any attempt on their part [the part of European Powers] to extend their systems to any portion of this hemisphere as dangerous to our peace and safety; and, 'We could not view any interposition for the purpose of oppressing them [the young American Republics] or controlling in any other manner their destiny, by any European Power, in any other light than as the manifestation of an unfriendly disposition toward the United States.' It was Secretary Olney who said, 'Today the United States is practically sovereign on this continent and its fiat is law upon the subjects to which it confines its interposition.'

"To say that the elaborate plan now before us which contemplates and provides for the mastery of the world does not run counter to these announced principles is to be blind to the plainest meaning of plain language. Moreover, to contend that this great doctrine, which embodies a vital principle of policy, not a mere tenet of international rule or law, is saved by the vague and general prescriptions of the covenant-preamble or by the poorly worded declarations of Article 1, is either to convict of a failure to understand the question or of a deliberate attempt to impose on the credulity of those who have not had opportunity to read the document themselves. No, Mr. President, if we adopt this plan we take from the Monroe Doctrine its life, we do not longer control the destinies of America, and the great national security which for a century has thereby come to us has gone, perhaps forever.

"Thus the plan fails to meet each and every test I have applied. It does not abolish or prevent wars and it does sanction and command them. It does strike down great constitutional principles, bulwarks of our protection. It does rob us of the most vital attributes of sovereignty. It does threaten our independence and life.

"Why, then, and I ask it in all sincerity, this feverish anxiety for the adoption of this plan? Why is there this racing up and down over the face of the whole land by propagandists urging its adoption? What benefit is to come from such a sale of country as is urged upon us? Who are the beneficiaries of this betrayal of our people?

No nation threatens us; no group of nations seeks our destruction; never before were we relatively so strong. War itself, the great curse of mankind, is further away today than it has been in centuries. Have we shown ourselves recreant when the world labors big with potential disaster? Let our billions of treasure pour out as from perpetual fountains, our tens of thousands of young lives nobly sacrificed in a great cause, answer. Has famine failed to appeal to us? Count the millions of tons of food we send to feed the starving. Have we been deaf to the cry of the oppressed? Count our young men in France. Have we failed to love liberty and humanity better than life itself? Ask the mothers whose sons lie on the battlefields of Europe.

"Can we not be trusted again to come to the rescue when again popular government, civilization and human right threaten to be overwhelmed? I challenge any man or nation to say nay. Why then this plan to strangle and crush us? Mr. President, there is here something amiss. We stand here in the Senate of the United States, and soberly and anxiously debate, plan and consider, not as did our fathers before us, on how can we best preserve and augment our liberties and make ourselves and our posterity free men, but on the dark and gloomy problem what is the greatest bondage which we can put on our backs and live.

"'But,' we are told, 'look at the mighty wastage, the sorrow, the suffering and agony, the slavery, and the death of this great universal war—is there not some way to prevent the world from being again so cursed? Our industrial and economic relations we can cover by separate trade agreements with individual countries, but can we not do something to avert the horrors of war?'

"Yes, there are ways, some of them simple and well tried.

"One way is to provide for the compulsory arbitration of all disputes under some such plan as that provided for in the International Prize Court, or the unratified American-British and American-French arbitration treaties of 1911, or the Olney-Paunceforte Treaty of 1897, or a union of the best in all of them.

"We need not worry about the enforcement of the awards of the arbitral court, for I recall no case between great Powers in which an award made has not either been carried

out as given or has not led to an adjustment mutually satisfactory to both parties. We may forget armed force in this and look to the reign of law and order. If small States should be recalcitrant as between themselves means of persuasion can be found that will satisfy all needs.

"This will adjust peacefully the great bulk of our disputes, including questions of territorial extent, and thus prevent war. We had the proud privilege by the Jay Treaty of 1794 with Great Britain, to usher in 'the modern era of arbitration.' From then till the present, almost a century and a quarter, arbitration has saved us from all but three relatively small international wars, barring this last, and compulsory arbitration might have saved us even this. Let us not discard or think lightly of arbitration as a means of preventing war.

"A second way would be this: If we feel that world interests and power are reshaping in such a way that we need to be protected and that we need to protect others, then let us form an alliance with the strongest other Power or two Powers of the world for mutual protection. That we be not thrown into quarrels in which we would have no sympathy we must choose as our allies those Powers whose traditions, institutions, ideals and people are most like our own. If we are ready to fight for them as we will be (under the present supposition) to have them fight for us, let us make this as strong an alliance as can be written, because from a shadowy one we shall have all the disadvantages and few of the advantages of a strong one. In either event, such a definite understanding between ourselves and our allies will obviously and inevitably drive the balance of the world into a counter alliance, which cannot but bring trouble in the future.

"Or, in the third place, if the people of the United States (not a clamorous part of them, but a great majority) desire to establish a true League of Nations; if they feel either the need or the desirability of creating an organization to stop war and not merely to build a coalition to further trade or to preserve and expand territorial possessions; and if so feeling, and to this end they are willing, to make the present necessary sacrifice in independence and sovereignty and the inevitable future sacrifice of untold American treasure and life, then we may proceed as follows:

“At a convenient and proper time in the relatively near future we shall coöperate with the representatives of all the other Powers in the formation among all, not a portion, of the nations of the world an international league. Among the first articles of the constitution which shall create this League should be one which shall provide that war is thereby declared to be an international crime and that any nation engaging in war, except in self-defence when actually attacked shall be punished by the world as an international criminal.

“This constitution should also provide that all disputes relating to international matters as defined by an international code should be decided by an international court.

“The code would define what war is and would discriminate between aggressive and defensive war, between assault and protection, and would outlaw one and not the other, for no system of law ever enacted or wisely projected has penalized self-defence by man or by State. Existence ceases when the right and power of self-defence is gone.

“This code would also provide that one nation could not summon another before the international court except in respect to a matter of international and common concern to the contending nations, and that the jurisdiction of the court would not extend to matters of governmental policy, which would be excluded from arbitration unless one of the disputing parties had by treaty or otherwise given another country a claim that might involve these subjects. Under such a code we would not be called upon to arbitrate the policy involved in our Monroe Doctrine; our conservation policy; our immigration policy; our right to expel aliens; our right to repel invasions; our right to maintain military and naval establishments, or coaling stations within our own borders or elsewhere, as the protection and development of this country might demand; our right to make necessary fortification of the Panama Canal, or on our frontiers; our right to discriminate between natives and foreigners in respect to rights of property and citizenship; and other matters of like character.

“The international court should be authorized by the League constitution to call upon the Powers signatory to enforce its decrees and awards as against unwilling States by force, economic pressure or otherwise.

"The court should sit in the hemisphere of the contending nations and if the disputants lived in opposite hemispheres, then in the hemisphere of the defendant Power.

"The constitution should further provide that if it were necessary to enforce a decree against an American Power refusing to follow the decree of the court, that such decree should be enforced by the countries of this hemisphere; that if a decree of the court must be enforced against a country of the Eastern Hemisphere, then it should be by such means and methods and by such forces and Powers as the court and the Powers of that hemisphere should decide.

"A League framed on these broad lines would carry with it a minimum of loss of our sovereignty; it would relieve us from participation in the broils of Europe; it would preserve the Monroe Doctrine and save America from the results of European aggression and intrigue; it would reduce to the minimum the causes of war, and would make the waging thereof, otherwise than in self-defence when attacked, a public crime punishable by the combined forces of the world.

"But, Mr. President, these are not the problems which now press urgently upon us. As I have recently proposed to the Senate, let us have an end of all this. Let the discussion of a League of Nations be postponed for later consideration, not alone by the victorious belligerents, but by all the nations, if and when at some future time a general conference on this subject may be both possible and useful. Professing as we do to have all humanity for our concern, let us not in our League outlaw a great part of the civilized world. Let us see to it that this League which is to usher in a reign of righteousness upon the earth shall comprise all peoples that dwell upon it, including our regenerated, democratized enemy.

"Meanwhile our co-belligerents need have no anxiety, for so surely as the sun rises if the Hun flood again threatened to engulf the world we shall again be found fighting for the right with the same complete accord and coöperation as in the past, all for the defence of civilization.

"And why should this be our course? Because, Mr. President, a million and a half of our boys are marking time in Europe, waiting patiently, anxiously, their eyes turned across the water, for the signing of the treaty of peace that shall allow them to return to the homeland, to the family

hearths which need them and which they need. How much longer shall their return wait on academic discussion of unattainable dreams? How much longer shall they for this suffer exposure and hardship and endure disease? How many more of them must die over there? While the Hun thrust forth his cruel, bloodthirsty hulk they gladly abode there and gave their all even to life itself but now that he cowers, like a whipped cur in his kennel, they feel that their work is finished. They want to come home.

“Remembering what they have given, what they were willing to give and what their dead comrades have given, remembering the wan-faced waiting mothers, wives and children, remembering the wrack, the weariness and the heartache of it all, we must find a way to grant their scant but deep-felt wish.”

SPEECH OF WILLIAM HOWARD TAFT

FORMER PRESIDENT

IN THE METROPOLITAN OPERA HOUSE, NEW YORK CITY

MARCH 4, 1919

WE are here tonight in sight of a League of Peace, of what I have ever regarded as the "Promised Land." Such a war as the last is a hideous blot on our Christian civilization. The inconsistency is as foul as was slavery under the Declaration of Independence. If Christian nations cannot now be brought into a united effort to suppress a recurrence it will be a shame to modern society.

This covenant of Paris bears on its face the evidences that it is the result of compromise; that it has been produced by an earnest effort of the President and other representatives of the nations who have won this war and thereby have made themselves responsible for future peace to adopt machinery through which the peace now to be formulated may be maintained and the united force of the nations making the treaty can be directed to discouraging war.

The first important covenant with reference to peace and war in the constitution of the League is that looking to a reduction of armament by all nations. The Executive Council, consisting of a representative from the United States, the British Empire, France, Italy and Japan, and with a representative each from four nations to be selected by the body of delegates, is to consider how much the armaments of the nations should be limited and reduced, having regard to the safety of each of the nations and their obligations under the League.

Having reached a conclusion as to the proportionate limit of each nation's armament, it submits its conclusion to each nation, which may or may not agree to the limit thus recommended; but when an agreement is reached between a nation

and the Executive Council, it covenants to keep within that limit until by application to the Executive Council, the limit may be raised. In other words, each nation agrees to its own limitation. Having so agreed, it must keep within it.

The character of this obligation is affected by the time during which the covenants of the league continue to bind. There is no stipulation as to how this is. In my judgment, there should be a period of ten years or a permission for any member of the League to withdraw from the covenant by giving a reasonable notice of one or two years of its intention to do so.

The members of the League and the non-members are required, the former by their covenant, the latter by enforced obligation, to submit all differences between them not capable of being settled by negotiations, to arbitration before a tribunal composed as the parties may agree. They are required to covenant to abide the award. Should either party deem the question one not proper for arbitration, then it is to be taken up by the Executive Council of the League.

The Executive Council mediates between the parties and secures a voluntary settlement of the question if possible; if not, it makes a report. If the report is unanimous, the Executive Council is to recommend what shall be done to carry into effect its recommendation. If there is a dissenting vote, then the majority report is published and the minority report, if desired, and no further action is taken. If either party or the Executive Council itself desires the mediating function is to be discharged by the body of delegates in which every member of the League has one vote.

There is no direction as to what shall be done with reference to the recommendation of proper measures to be taken and the whole matter is then left for such further action as the members of the league agree upon. There is no covenant by the defeated party that it will comply with the unanimous report of the Executive Council or the body of the League.

And right here I wish to take up the objection made to the League that under this machinery we might be compelled to receive immigrants contrary to our national desire, from Japan or China. We could and would refuse to submit the issue to arbitration. It would then go to mediation in my judgment. In my judgment, the council as a mediat-

ing body should not take jurisdiction to consider such a difference. Immigration by international law is a domestic question completely within the control of the Government into which immigration is sought, unless the question of immigration is the subject of treaty stipulation between two countries.

If, however, it be said that there is no limitation in the covenant of the differences to be mediated, clearly we would run no risk of receiving from the large body of delegates of all the members of the League, a unanimous report recommending a settlement by which Japanese immigrants shall be admitted to our shores or Japanese applicants be admitted to our citizenship contrary to our protest. But were it made, we are under no covenant to obey such a recommendation. If it could be imagined that all of the other nations of the world would thus unite their military forces to compel us to receive Japanese immigrants under the covenant, why would they not do so without the covenant?

These articles compelling submission of differences either to arbitration or mediation are not complete machinery for settlement by peaceable means of all issues arising between nations. But they are a substantial step forward. They are an unambitious plan to settle as many questions as possible by arbitration or mediation. They illustrate the spirit of those who drafted this covenant and their sensible desire not to attempt more till after actual experience.

The next covenant is that the nations shall not begin war until three months after the arbitration award or the recommendation of compromise, and not then if the defendant nation against whom the award or recommendation has been made shall comply with it. This is the great restraint of war imposed by the covenant upon members of the League and non-members. It is said that this would prevent our resistance to a border raid of Mexico or self-defence against any invasion. This is a most extreme construction. If a nation refuses submission at all, as it does when it begins an attack, the nation attacked is released instantaneously from its obligation to submit and is restored to the complete power of self defence.

If the defendant nation cannot comply with the award, or unanimous report, then the plaintiff nation can begin

war and carry out such complete remedy as the circumstances enable it to do. But if the defendant nation does comply with the award, or unanimous report, then the plaintiff nation must be content with such compliance. The third covenant, the penalizing covenant, is that if a nation begins war, in violation of its covenant, then ipso facto that is an act of war against every member of the League, and the members of the League are required definitely and distinctly to levy a boycott on the covenant breaking nation and to cut off from it all commercial, trade, financial, personal and official relations between them and their citizens and it and its citizens. Indeed the boycott is compound or secondary in that it is directed against any non-members of the League continuing to deal with the outlaw nation.

If, however, the boycott does not prove sufficient, then the Executive Council is to recommend the number of the military and naval forces to be contributed by the members of the League to protect the covenants of the League in such a case. There is no specific covenant by which they agree to furnish any amount of force or indeed any force at all to a League army. The use of the word "recommend" in describing the function of the Executive Council shows that the question whether such forces shall be contributed and what shall be their amount must ultimately address itself to the members of the League for their decision and action. There is this radical and important difference therefore between the obligation to lay a boycott and the obligation to furnish military force, and doubtless this distinction was insisted upon and reached by a compromise.

By virtue of the article, the breach of the covenant by the outlaw nation is an act of war against all and every member of the League. This does not create a state of war. But it justifies each nation in declaring war and in actually waging it against the outlaw nation in accord with the article. Though some of the nations decline to furnish military force, others may unite in war, or even a single nation may begin hostilities. Thus the exercise of the military power of the League must depend upon the common and voluntary agreement of the nations in the face of the danger.

By Article 10 the high contracting parties undertake to respect and preserve against external aggression the politi-

cal independence and the territorial integrity of every member of the League, and when these are attacked or threatened the Executive Council is to advise as to the proper means to fulfill this obligation. The same acts or series of acts which make Article 10 applicable will be a breach of the covenant which creates an outlaw nation under Article 16, so that all nations must begin a boycott against any nation, thus breaking the territorial integrity or overthrowing the independence of a member of the League.

The fact that the Executive Council is to advise what means shall be taken to fulfill the obligation shows that the means to be taken by each nation are means which it shall deem proper and fair under the circumstances, considering its remoteness from the country and the fact that the nearer presence of other nations should induce them to furnish the requisite military force. It fixes the obligation of action in such a way that American nations will attend to America and European nations will attend to Europe and Asiatic nations to Asia, unless all deem the situation so threatening to the world and to their own interests as that they should take a more active part.

It seems to me that appropriate words might be added to the pact which should show distinctly this distribution of obligation. It will relieve those anxious in respect to the Monroe Doctrine to exclude from forcible intervention any issues between American nations by European or Asiatic nations until requested by the United States or an Executive Council of the American nations framed for the purpose.

Objection is made to the constitution of the Executive Council, with the suggestion that Great Britain might have more delegates therein than other countries. This is an error. The British Empire, which of course includes its dominions, is limited to one delegate in the Executive Council. Provision is made by which upon a vote of two-thirds of the body of delegates, new members may be admitted who are independent States or are self-governing dominions or colonies. Under this Canada and Australia and South Africa might be admitted, but as delegates. I presume, too, the Philippines might be admitted, but the function of the body of delegates is not one which makes its membership of great importance.

A proposed resolution in the Senate recites that the con-

stitution of the League of Nations in the form now proposed should not be accepted by the United States, although the sense of the Senate is that the nations of the world should unite to promote peace and general disarmament. The resolution further recites that the negotiations on the part of the United States should immediately be directed to the utmost expedition of the urgent business of negotiating peace terms with Germany satisfactory to the United States and the nations with whom the United States is associated in the war against the German government, and that the proposal for a League of Nations to insure the permanent peace of the world should then be taken up for careful and serious consideration.

It is said the resolution will be supported by thirty-seven members of the new Senate and thus defeat the confirmation of any treaty which includes the present proposed covenant of Paris.

The authority under the Constitution which initiates the form which treaties are to take and which in the outset determines what subject matters they shall include, is the President of the United States. Therefore, if, to the President of the United States and to those acting with him with similar authority for other nations, it shall seem that no effective treaty of peace can be concluded except with a League of Nations, in substance like that now proposed, as a condition precedent to the proper operation and effectiveness of the treaty, it will be the duty of the President and his fellow delegates to the conference to insert such a covenant in the treaty as indispensable to the peace sought.

If in accordance with that sense of duty, therefore, such a covenant embodying the substantial features of the proposed one shall be incorporated in a treaty of peace, signed by the representatives of the powers and brought back to the President and submitted by him to the Senate, the question which will address itself to the proponents of this Senate resolution will be not whether they would prefer to consider a League of Nations after the treaty of peace, but whether they will feel justified in defeating or postponing a treaty because it contains a constitution of a League of Nations deemed by the President necessary to the peace which all seek.

The covenant of Paris, which is now a covenant only be-

tween the nations in war with Germany including the seven nations who actually won the war, is essential to an effective treaty of peace to accomplish the purposes of the war. The purposes of the war were to defeat militarism, to make the world safe for democracy and to secure permanent peace.

Under the informal agreement between the nations who won this war, outlined in the President's message of January 8, 1918, as qualified by the Entente Allies before the armistice, we are to create and recognize, as independent States, four nations forming a bulwark between Germany and Russia to prevent Germany's future intrigue to secure control of Russia. In the process we are to carve these nations out of the great autocracies, Russia, Germany and Austria.

As obstructions to German future conspiracies for power, we are to give German and Austrian Poland to the Republic of Poland, to set up the Czecho-Slovak State of ten millions between Germany and Austria-Hungary, as well as the Jugo-Slav State carved out of Austria and Hungary in the south, to fix new boundaries in the Balkans with Roumania enlarged by Transylvania and Bessarabia, to make an international government at Constantinople keeping ward over the passage between the Black Sea and the Ægean, and to establish autonomous dominions in Palestine, Syria, Armenia and Mesopotamia.

Unless there be some means for authoritatively interpreting the treaty and applying it, and unless the power of the League be behind it to give effect to such interpretation and application, the treaty instead of producing peace will produce a state of continued war.

More than this, in the dark background is the threatened spectre of Bolshevism, hard, cruel, murderous, uncompromising and destructive of Christian civilization, militant in pressing its hideous doctrines upon other peoples and insidious in its propaganda among the lowest element in every country. Against the war, the chaos and the explosive dangers of Bolshevism, throughout all the countries of Europe, a League of Nations must be established to settle controversies peaceably, and when settled to enforce the settlement. It must stand as the living evidence of the united power of Christian civilization to make this treaty a real treaty of peace.

Bolshevism in the United States is not an immediate danger. The spirit of the Republic, its training in self-government, the real equality of opportunity that men know they enjoy under the aegis of the Constitution, will confine to sporadic ebullitions a few spots of this free land. But if it spreads over and destroys the existing Government in France and England and Italy and threatens them, and includes the whole of Europe in its poisonous and contagious influence, we must not minimize its dangers to our own civilization.

If it be said that the European nations should unite in a league to maintain these independent States and settle the difficulties arising between them and the older States in the sphere of war, and in resisting Bolshevism, it is sufficient to say that the withdrawal of the United States from the League of Nations will weaken it immeasurably. The disinterestedness of the United States, its position as the greatest power in the world in view of its population and their intelligence and adaptability, its enormous natural resources and its potential military power, demonstrated on the fields of France and Belgium, make its membership in the League indispensable.

Objection is made that the covenant of the League is a departure from the traditional policy of the United States following the advice of Washington in avoiding entangling alliances with European nations. The European war into which we were drawn demonstrates that the policy is no longer possible for the United States. It is out of its swaddling clothes. It has ceased to be a struggling nation. It has been made a close neighbor of Great Britain and France and Italy and of all the nations of Europe, and is in such intimate trade relations that in a general European war it never can be a neutral again. It tried to be in this war and failed.

Objection is made that the covenant destroys the Monroe Doctrine. The Monroe Doctrine was announced and adopted to keep European monarchies from overthrowing the independence of European governments in this hemisphere and fastening their system upon those governments. It is asserted in various forms, some of them extreme, and others less so. I presume that no one now would attempt to sustain the declarations of Secretary Olney in his corre-

spondence with Lord Salisbury. The sum and substance of the Monroe Doctrine is that we do not propose in our own interest to allow European nations or Asiatic nations to acquire beyond what they now have, through war or purchase or intrigue, territory, political power or strategical opportunity from the countries of this hemisphere. Article 10 of the League is intended to secure this to all nations except that it does not forbid purchase of territory or power.

Objection is made to this League on constitutional grounds. This League is to be made by the treaty-making power of the United States. What does the treaty-making power cover? The Supreme Court of the United States, through Mr. Justice Field, in the *Riggs* case, has held that it covers the right to deal by contract with all subjects matter which are usually dealt with by contract in treaties between nations, except to change our form of Government or part with territory of a State without its consent. The treaty-making power is a sovereign power. The Supreme Court has over and over again, through Mr. Chief Justice Marshall, indicated that the United States was a nation and a sovereign capable of dealing with other nations as such, and with all the powers inferable from that sovereignty.

It is said that this League does change the form of our Government. No function or discretion is taken from any branch of the Government which it now performs or exercises. It is intimated that it delegates to an outside tribunal the power vested by the Constitution in Congress or the Senate. It is said it does this in respect to the Executive Council. The Executive Council has no power but to recommend to the nations of the League courses which those nations may accept or reject, save in the matter of increasing the limit of armament, to which the United States by its Congress, after full consideration, shall have consented.

Neither the Executive Council nor the body of delegates in the machinery for peaceful settling of differences does other than to recommend a compromise which the United States does not under the league covenant have to obey. In all other respects these bodies are mere instruments for conference by representatives for devising plans which are submitted to the various governments of the League for their voluntary acceptance and adoption.

No obligation of the United States under the league ex-

cept as just stated is fixed by action of either the Executive Council or the body of delegates. The obligation of the United States under the League arises from the language of the covenants themselves. The only fixed and immediate obligation there is that of levying a boycott when a nation begins war in violation of its covenant. This is submitted to the Congress of the United States for determination whether the obligation has arisen and for legislation imposing the embargo and boycott.

It is said that it is unconstitutional for the treaty-making Power to agree, on behalf of the United States, not to make war. If this be unconstitutional, then the present Senate has violated the Constitution twenty times, for it has already agreed in twenty different treaties with the other nations of the world not to begin war until one year after the occurrence of the event upon which war may ensue and until after a commission of inquiry into the subjects matter of the dispute shall have been had and a report made. Did this violate the Constitution? Did this deprive Congress of the power to make war in accord with its constitutional authority? If it did, it violated the Constitution; but it did not do any thing of the sort. It merely bound the Government not to make war, and it left to Congress the power to perform that obligation by not making war.

Then it is said to have no right to agree to levy embargo and a boycott. It is true that Congress determines what our commercial relations shall be with other countries of the world. It is true that if a boycott is to be levied Congress must levy it in the form of an embargo as that which was levied by Congress in Jefferson's administration and the validity of which was sustained by the Supreme Court with John Marshall at its head.

Finally it is objected that we have no right to agree to arbitrate issues. It is said that we might by arbitration lose our territorial integrity or our political independence. This is a stretch of imagination by the distinguished senator who made it, at which we may marvel. In face of Article 19, which is an undertaking to respect the territorial integrity and political independence of every member of the League, how could a board of arbitration possibly reach such a result? More than that, we do not have to arbitrate. If we do not care to arbitrate we can throw the matter into mediation

and conciliation, and we do not covenant to obey the recommendation of compromise by the conciliating body.

The covenant takes away the sovereignty of the United States only as any contract curtails the freedom of action of an individual which he has voluntarily surrendered for the purpose of the contract and to obtain the benefit of it. The covenant creates no supersovereignty. It merely creates contract obligations. It binds nations to stand together to secure compliance with those contracts. That is all. This is no different from a contract that we make with one nation.

The President is now returning to Europe. Some speeches, notably that of Senator Lodge, have been useful in taking up the League, article by article, criticizing its language and expressing doubts either as to its meaning or wisdom. He will differ, as many others will differ, from Senator Lodge in respect to many of the criticisms, but he will find many useful suggestions in the constructive part of the speech which he will be able to present to his colleagues in the conference. They will be especially valuable in revising the form of the covenant and in making reservations to which his colleagues in the conference may readily consent where Senator Lodge or the other critics have misunderstood the purpose and meaning of the words used.

This covenant should be in the treaty of peace. It is indispensable in ending this war, if the war is to accomplish the declared purpose of this nation and the world in that war, and if it is to work the promised benefit to mankind.

We know the President believes this and will insist upon it. Our profound sympathy in his purpose and our prayers for his success should go with him in his great mission.

SPEECH OF PRESIDENT WILSON

IN THE METROPOLITAN OPERA HOUSE, NEW YORK CITY

MARCH 4, 1919

MY Fellow-Citizens: I accept the intimation of the air just played; I will not come back "till it's over, over there." And yet I pray God, in the interests of peace and of the world, that that may be soon.

The first thing that I am going to tell the people on the other side of the water is that an overwhelming majority of the American people is in favor of the League of Nations. I know that that is true; I have had unmistakable intimations of it from all parts of the country, and the voice rings true in every case. I account myself fortunate to speak here under the unusual circumstances of this evening. I am happy to associate myself with Mr. Taft in this great cause. He has displayed an elevation of view and a devotion to public duty which is beyond praise.

And I am the more happy because this means that this is not a party issue. No party has the right to appropriate this issue, and no party will in the long run dare oppose it.

We have listened to so clear and admirable an exposition of many of the main features of the proposed covenant of the League of Nations that it is perhaps not necessary for me to discuss in any particular way the contents of the document. I will seek rather to give you its setting. I do not know when I have been more impressed than by the conferences of the commission set up by the Conference of Peace to draw up a covenant for the League of Nations. The representatives of fourteen nations sat around that board—not young men, not men inexperienced in the affairs of their own countries, not men inexperienced in the politics of the world; and the inspiring influence of every meeting was the concurrence of purpose on the part of all

those men to come to an agreement and an effective working agreement with regard to this League of the civilized world.

There was a conviction in the whole impulse; there was conviction of more than one sort; there was the conviction that this thing ought to be done, and there was also the conviction that not a man there would venture to go home and say that he had not tried to do it.

Mr. Taft has set the picture for you of what a failure of this great purpose would mean. We have been hearing for all these weary months that this agony of war has lasted of the sinister purpose of the Central Empires, and we have made maps of the course that they meant their conquests to take. Where did the lines of that map lie, of that central line that we used to call from Bremen to Bagdad? They lay through these very regions to which Mr. Taft has called your attention, but they lay then through a united empire, the Austro-Hungarian Empire, whose integrity Germany was bound to respect, as her ally lay in the path of that line of conquest; the Turkish Empire, whose interests she professed to make her own, lay in the direct path that she intended to tread. And now what has happened? The Austro-Hungarian Empire has gone to pieces and the Turkish Empire has disappeared, and the nations that effected that great result—for it was a result of liberation—are now responsible as the trustees of the assets of those great nations. You not only would have weak nations lying in this path, but you would have nations in which that old poisonous seed of intrigue could be planted with the certainty that the crop would be abundant; and one of the things that the League of Nations is intended to watch is the course of intrigue. Intrigue cannot stand publicity, and if the League of Nations were nothing but a 'great debating society' it would kill intrigue.

It is one of the agreements of this covenant that it is the friendly right of every nation a member of the League to call attention to anything that it thinks will disturb the peace of the world, no matter where that thing is occurring. There is no subject that may touch the peace of the world which is exempt from inquiry and discussion, and I think everybody here present will agree with me that Germany would never have gone to war if she had permitted the world to discuss the aggression upon Serbia for a single

week. The British Foreign Office suggested, it pleaded, that there might be a day or two delay so that the representatives of the nations of Europe could get together and discuss the possibilities of a settlement. Germany did not dare permit a day's discussion. You know what happened. So soon as the world realized that an outlaw was at large, the nations began one by one to draw together against her. We know for a certainty that if Germany had thought for a moment that Great Britain would go in with France and with Russia she never would have undertaken the enterprise, and the League of Nations is meant as a notice to all outlaw nations that not only Great Britain, but the United States and the rest of the world will go in to stop enterprises of that sort. And so the League of Nations is nothing more nor less than the covenant that the world will always maintain the standards which it has now vindicated by some of the most precious blood ever spilled.

The liberated peoples of the Austro-Hungarian Empire and of the Turkish Empire call out to us for this thing. It has not arisen in the council of statesmen. Europe is a bit sick at heart at this very moment, because it sees that statesmen have had no vision, and that the only vision has been the vision of the people. Those who suffer see. Those against whom wrong is wrought know how desirable is the right and the righteous. The nations that have long been under the heel of the Austrian, that have long covered before the German, that have long suffered the indescribable agonies of being governed by the Turk, have called out to the world, generation after generation, for justice, for liberation, for succor; and no Cabinet in the world has heard them. Private organizations, pitying hearts, philanthropic men and women have poured out their treasure in order to relieve these sufferings; but no nation has said to the nations responsible, "You must stop; this thing is intolerable, and we will not permit it." And the vision has been with the people. My friends, I wish you would reflect upon this proposition: The vision as to what is necessary for great reforms has seldom come from the top in the nations of the world. It has come from the need and the aspiration and the self-assertion of great bodies of men who meant to be free. And I can explain some of the criticisms which have been leveled against this great enterprise only by the supposition that the men

who utter the criticisms have never felt the great pulse of the heart of the world.

And I am amazed—not alarmed, but amazed—that there should be in some quarters such a comprehensive ignorance of the state of the world. These gentlemen do not know what the mind of men is just now. Everybody else does. I do not know where they have been closeted, I do not know by what influence they have been blinded; but I do know that they have been separated from the general currents of the thought of mankind.

And I want to utter this solemn warning, not in the way of a threat; the forces of the world do not threaten, they operate. The great tides of the world do not give notice that they are going to rise and run; they rise in their majesty and overwhelming might, and those who stand in the way are overwhelmed. Now the heart of the world is awake, and the heart of the world must be satisfied. Do not let yourselves suppose for a moment that the uneasiness in the populations of Europe is due entirely to economic causes or economic motives; something very much deeper underlies it all than that. They see that their Governments have never been able to defend them against intrigue or aggression, and that there is no force of foresight or of prudence in any modern Cabinet to stop war. And therefore they say, "There must be some fundamental cause for this," and the fundamental cause they are beginning to perceive to be that nations have stood singly or in little jealous groups against each other, fostering prejudice, increasing the danger of war rather than concerting measures to prevent it; and that if there is right in the world, if there is justice in the world, there is no reason why nations should be divided in the support of justice.

They are therefore saying if you really believe that there is a right, if you really believe that wars ought to be stopped, stop thinking about the rival interests of nations, and think about men and women and children throughout the world. Nations are not made to afford distinction to their rulers by way of success in the manœuvres of politics; nations are meant, if they are meant for anything, to make the men and women and children in them secure and happy and prosperous, and no nation has the right to set up its special interests against the interests and benefits of man-

kind, least of all this great nation which we love. It was set up for the benefit of mankind; it was set up to illustrate the highest ideals and to achieve the highest aspirations of men who wanted to be free; and the world—the world of today—believes that and counts on us, and would be thrown back into the blackness of despair if we deserted it.

I have tried once and again, my fellow-citizens, to say to little circles of friends or to larger bodies what seems to be the real hope of the peoples of Europe, and I tell you frankly I have not been able to do so because when the thought tries to crowd itself into speech the profound emotion of the thing is too much; speech will not carry. I have felt the tragedy of the hope of those suffering peoples.

It is tragedy because it is a hope which cannot be realized in its perfection, and yet I have felt besides its tragedy, its compulsion—its compulsion upon every living man to exercise every influence that he has to the utmost to see that as little as possible of that hope is disappointed, because if men cannot now, after this agony of bloody sweat, come to their self-possession and see how to regulate the affairs of the world, we will sink back into a period of struggle in which there will be no hope, and, therefore, no mercy. There can be no mercy where there is no hope, for why should you spare another if you yourself expect to perish? Why should you be pitiful if you can get no pity? Why should you be just if, upon every hand, you are put upon?

There is another thing which I think the critics of this covenant have not observed. They not only have not observed the temper of the world, but they have not even observed the temper of those splendid boys in khaki that they sent across the seas. I have had the proud consciousness of the reflected glory of those boys, because the Constitution made me their commander-in-chief, and they have taught me some lessons. When we went into the war, we went into it on the basis of declarations which it was my privilege to utter, because I believed them to be an interpretation of the purpose and thought of the people of the United States. And those boys went over there with the feeling that they were sacredly bound to the realization of those ideals; that they were not only going over there to beat Germany; they were not going over there merely with resentment in their hearts against a particular outlaw na-

tion ; but that they were crossing those three thousand miles of sea in order to show to Europe that the United States, when it became necessary, would go anywhere where the rights of mankind were threatened. They would not sit still in the trenches. They would not be restrained by the prudence of experienced continental commanders. They thought they had come over there to do a particular thing, and they were going to do it and do it at once. And just as soon as that rush of spirit as well as rush of body came in contact with the lines of the enemy, they began to break, and they continued to break until the end. They continued to break, my fellow-citizens, not merely because of the physical force of those lusty youngsters, but because of the irresistible spiritual force of the armies of the United States. It was that they felt. It was that that awed them. It was that that made them feel, if these youngsters ever got a foothold, they could never be dislodged, and that therefore every foot of ground that they won was permanently won for the liberty of mankind.

And do you suppose that having felt that crusading spirit of these youngsters, who went over there not to glorify America but to serve their fellowmen, I am going to permit myself for one moment to slacken in my effort to be worthy of them and of their cause? What I said at the opening I said with a deeper meaning than perhaps you have caught ; I do mean not to come back until it's over over there, and it must not be over until the nations of the world are assured of the permanency of peace.

Gentlemen on this side of the water would be very much profited by getting into communication with some gentlemen on the other side of the water. We sometimes think, my fellow citizens, that the experienced statesmen of the European nations are an unusually hard-headed set of men, by which we generally mean, although we do not admit it, that they are a bit cynical, that they say "This is a very practical world," by which you always mean that it is not an ideal world ; that they do not believe that things can be settled upon an ideal basis. Well, I never came into intimate contact with them before, but if they used to be that way, they are not that way now. They have been subdued, if that was once their temper, by the awful significance of recent events and the awful importance of what is to

ensue; and there is not one of them with whom I have come in contact who does not feel that he cannot in conscience return to his people from Paris unless he has done his utmost to do something more than attach his name to a treaty of peace. Every man in that Conference knows that the treaty of peace in itself will be inoperative, as Mr. Taft has said, without this constant support and energy of a great organization such as is supplied by the League of Nations.

And men who when I first went over there were skeptical of the possibility of forming a League of Nations admitted that if we could but form it it would be an invaluable instrumentality through which to secure the operation of the various parts of the treaty; and when that treaty comes back, gentlemen on this side will find the covenant not only in it, but so many threads of the treaty tied to the covenant that you cannot dissect the covenant from the treaty without destroying the whole vital structure. The structure of peace will not be vital without the League of Nations, and no man is going to bring back a cadaver with him.

I must say that I have been puzzled by some of the criticisms—not by the criticisms themselves; I can understand them perfectly, even when there was no foundation for them; but by the fact of the criticism. I cannot imagine how these gentlemen can live and not live in the atmosphere of the world. I cannot imagine how they can live and not be in contact with the events of their times, and I particularly cannot imagine how they can be Americans and set up a doctrine of careful selfishness, thought out to the last detail. I have heard no counsel of generosity in their criticism. I have heard no constructive suggestion. I have heard nothing except “will it not be dangerous to us to help the world?” It would be fatal to us not to help it.

From being what I will venture to call the most famous and the most powerful nation in the world we would of a sudden have become the most contemptible. So, I did not need to be told, as I have been told, that the people of the United States would support this covenant. I am an American and I knew they would. What a sweet revenge it is upon the world. They laughed at us once, they thought we did not mean our professions of principle. They thought so until April of 1917. It was hardly credible to them that

we would do more than send a few men over and go through the forms of helping, and when they saw multitudes hastening across the sea, and saw what those multitudes were eager to do when they got to the other side, they stood at amaze and said: "The thing is real, this nation is the friend of mankind as it said it was." The enthusiasm, the hope, the trust, the confidence in the future bred by that change of view is indescribable. Take an individual American and you may often find him selfish, and confined to his special interests; but take the American in the mass and he is willing to die for an idea. The sweet revenge, therefore, is this, that we believed in righteousness, and now we are ready to make the supreme sacrifice for it, the supreme sacrifice of throwing in our fortunes with the fortunes of men everywhere. Mr. Taft was speaking of Washington's utterance about entangling alliances, and if he will permit me to say so, he put the exactly right interpretation upon what Washington said, the interpretation that is inevitable if you read what he said, as most of these gentlemen do not. And the thing that he longed for was just what we are now about to supply: an arrangement which will disentangle all the alliances in the world.

Nothing entangles, nothing enmeshes a man except a selfish combination with somebody else. Nothing entangles a nation, hampers it, binds it, except to enter into a combination with some other nation against the other nations of the world. And this great disentanglement of all alliances is now to be accomplished by this covenant, because one of the covenants is that no nation shall enter into any relationship with another nation inconsistent with the covenants of the League of Nations. Nations promise not to have alliances. Nations promise not to make combinations against each other. Nations agree that there shall be but one combination, and that is the combination of all against the wrongdoer.

And so I am going back to my task on the other side with renewed vigor. I had not forgotten what the spirit of the American people is, but I have been immensely refreshed by coming in contact with it again. I did not know how good home felt until I got here.

The only place a man can feel at home is where nothing has to be explained to him. Nothing has to be explained

to me in America, least of all the sentiment of the American people. I mean about great fundamental things like this. There are many differences of judgment as to policy — and perfectly legitimate — sometimes profound differences of judgment; but those are not differences of sentiment, those are not differences of purpose, those are not differences of ideals. And the advantage of not having to have anything explained to you is that you recognize a wrong explanation when you hear it.

In a certain rather abandoned part of the frontier at one time it was said they found a man who told the truth; he was not found telling it, but he could tell it when he heard it. And I think I am in that situation with regard to some of the criticisms I have heard. They do not make any impression on me, because I know there is no medium that will transmit them, that the sentiment of the country is proof against such narrowness and such selfishness as that. I commend these gentlemen to communion with their fellow-citizens.

What are we to say, then, as to the future? I think, my fellow citizens, that we can look forward to it with great confidence. I have heard cheering news since I came to this side of the water about the progress that is being made in Paris toward the discussion and clarification of a great many difficult matters and I believe that settlements will begin to be made rather rapidly from this time on at those conferences. But what I believe — what I know as well as believe, is this: That the men engaged in those conferences are gathering heart as they go, not losing it; that they are finding community of purpose and community of ideal to an extent that perhaps they did not expect; and that amidst all the inter-play of influence — because it is infinitely complicated — amidst all the interplay of influence, there is a forward movement which is running toward the right. Men have at last perceived that the only permanent thing in the world is the right, and that a wrong settlement is bound to be a temporary settlement — bound to be a temporary settlement for the very best reason of all, that it ought to be a temporary settlement, and the spirits of men will rebel against it, and the spirits of men are now in the saddle.

When I was in Italy a little limping group of wounded

Italian soldiers sought an interview with me. I could not conjecture what it was they were going to say to me, and with the greatest simplicity, with a touching simplicity, they presented me with a petition in favor of the League of Nations. Their wounded limbs, their impaired vitality were the only argument they brought with them. It was a simple request that I lend all the influence that I might happen to have to relieve future generations of the sacrifices that they had been obliged to make. That appeal has remained in my mind as I have ridden along the streets in European capitals and heard cries of the crowd, cries for the League of Nations, from lips of people who, I venture to say, had no particular notion of how it was to be done, who were not ready to propose a plan for a League of Nations, but whose hearts said that something by way of a combination of all men everywhere must come out of this. As we drove along country roads weak old women would come out and hold flowers up to us. Why should they hold flowers up to strangers from across the Atlantic? Only because they believed that we were the messengers of friendship and of hope, and these flowers were their humble offerings of gratitude that friends from so great a distance should have brought them so great a hope.

It is inconceivable that we should disappoint them, and we shall not. The day will come when men in America will look back with swelling hearts and rising pride that they should have been privileged to make the sacrifice which it was necessary to make in order to combine their might and their moral power with the cause of justice for men of every kind everywhere.

God give us the strength and vision to do it wisely! God give us the privilege of knowing that we did it without counting the cost and because we were true Americans, lovers of liberty and of the right!

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